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Fort St. George Papers

FORT ST. GEORGE PAPERS.

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FORT ST. GEORGE Papers, *continued.*

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East India House,
May 21st, 1827.

Tho. Fisher,
Searcher of the Records.

Copies of all CORRESPONDENCE between the Court of Directors of The *East India* Company and the Company's Governments in *India*, touching the state of SLAVERY in the Territories under the Company's rule, or respecting any SLAVE TRADE therein; as also, Copies of any Orders or Regulations issued, or any Proceedings held by those Governments, relative to the said Subjects.

BENGAL PAPERS.

REGULATIONS RELATIVE TO SLAVERY; 1772–1774.

Extract of a Letter, in the Revenue Department, from the President and Council of Bengal to the Court of Directors of the East India Company; dated the 3d November 1772.

THE more regular administration of justice was deliberated on by the committee of circuit, and a plan was formed by them, which afterwards met with our approbation. We cannot give you a better idea of the grounds on which this was framed than by referring you to a copy of it, together with a letter from the committee to the Board on the occasion, both of which make numbers in this packet, and we earnestly recommending them to your perusal, requesting to be assisted with such further orders and instructions thereon as they may require, for completing the system, which we have thus endeavoured to establish on the most equitable, solid and permanent footing. We hope they will be read with that indulgence, which we are humbly of opinion is due to a work of this kind, undertaken on the plain principles of experience and common observation, without the advantages which an intimate knowledge of the theory of law might have afforded us. We have endeavoured to adapt our regulations to the manners and understandings of the people and exigencies of the country, adhering as closely as we are able to their ancient usages and institutions. It will be still a work of some months, we fear, before they can be thoroughly established throughout the provinces; but we shall think our labours amply recompensed if they meet with your approbation, and are productive of the good effects we had in view. Para. 40.

Extract of the Proceedings of the Committee at Kishen Nagur; dated the 28th June 1772.

WE judged it necessary to add to the regulations, with respect to the Courts of Phoujdarree, a proposal for the suppression and extirpation of Decoits, which will appear to be dictated by a spirit of rigour and violence, very different from the caution and lenity of our other propositions, as it in some respect involves the innocent with the guilty. We wish a milder expedient could be suggested; but we much fear that this evil has acquired a great degree of its strength from the tenderness and moderation which our government has exercised towards those banditti, since it has interfered in the internal protection of the provinces. We confess that the means which we propose can in no wise be reconcilable to the spirit of our own constitution; but till that of Bengal shall attain the same perfection, no conclusion can be drawn from the English law that can be properly applied to the manners or state of this country. The Decoits of Bengal are not like the robbers in England individuals driven to such desperate courses by sudden want; they are robbers by profession, and even by birth; they are formed into regular communities, and their families subsist by the spoils which they bring home to them; they are all therefore alike criminal; wretches who have placed themselves in a state of declared war with government, and are therefore wholly excluded from every benefit of its laws. We have many instances of their meeting death with the greatest insensibility; it loses, therefore,

Bengal Papers: State of Slavery in Company's Territories.

therefore, its effect as an example; but when executed in all the forms and terrors of law, in the midst of the neighbours and relations of the criminal, when these are treated as accessaries to his guilt, and his family deprived of their liberty, and separated for ever from each other, every passion which before served as an incentive to guilt, now becomes subservient to the purposes of society, by turning them from a vocation, in which all they hold dear, besides life, becomes forfeited by their conviction; at the same time, their families instead of being lost to the community, are made useful members of it, by being adopted into those of the more civilized inhabitants. The ideas of slavery, borrowed from our American colonies, will make every modification of it appear, in the eyes of our own countrymen in England, a horrible evil; but it is far otherwise in this country; here slaves are treated as the children of the families to which they belong, and often acquire a much happier state by their slavery than they could have hoped for by the enjoyment of liberty; so that, in effect, the apparent rigour thus exercised on the children of convicted robbers will be no more than a change of condition, by which they will be no sufferers, though it will operate as a warning on others, and is the only means which we can imagine capable of dissipating these desperate and abandoned societies, which subsist on the distress of the general community.

Extract from the Proceedings of the Committee of Circuit.

A Plan for the Administration of Justice, dated 15th August 1772.

XXXV.—THAT whereas the peace of this country hath for some years past been greatly disturbed by bands of Decoits, who not only infest the high roads, but often plunder whole villages, burning the houses and murdering the inhabitants: And whereas these abandoned outlaws have hitherto found means to elude every attempt which the vigilance of government hath put in force, for detecting and bringing such atrocious criminals to justice; by the secrecy of their haunts, and the wild state of the districts, which are most subject to their incursions, it becomes the indispensable duty of government to try the most rigorons means, since experience has proved every lenient and ordinary remedy to be ineffectual: That it be therefore resolved, That every such criminal on conviction, shall be carried to the village to which he belongs, and be there executed for a terror and example to others; and for the further prevention of such abominable practices, that the village of which he is an inhabitant shall be fined according to the enormity of the crime, and each inhabitant according to his substance, and that the family of the criminal shall become the slaves of the states, and be disposed of for the general benefit and convenience of the people, according to the discretion of the government.

Extract of a Letter from the Governor in Council of Bengal, to the Court of Directors of the East India Company in the Revenue Department; dated 18th October 1774.

Rev. Cons. 17th May.

Par. 22.—AMONGST these regulations, we must beg leave to point out to your particular observation, the 9th and 10th, by which we took upon us for the reasons that are there subjoined, to abolish in future the right of slavery in this country. The great increase of late years of this savage commerce from the causes therein pointed out, seemed to call upon us to adopt this regulation as a measure of good policy in our government to prevent hasty strides towards depopulation; and as the opinions of the most creditable Mussulmen and Hindoo inhabitants taken on this subject, condemned the authorized usage of selling slaves as repugnant to the particular precepts of the Koran and Shaister, as oppressive to the people, and injurious to the general welfare of the country, we made no hesitation on such

Cons. 14th June.

strong and concurrent grounds to pass the resolution; and we directed it to be published and obeyed at all the provincial divisions.

28th June.

Par. 23.—In consequence of these orders, we received a reference from the council of Dacca, advising us that it was an established custom throughout the Dacca districts to keep in bondage all the offspring and descendants of persons who have once become slaves, and requesting therefore to be furnished with our orders, whether the benefit of our 10th regulation was to be extended to the children of slaves born subsequent to the period mentioned in that regulation.

Par. 24.—

Bengal Papers: State of Slavery in Company's Territories.

12th July.

Par. 24.—Upon considering this reference, we found it necessary to superadd to our former resolution, the explanation which is contained in our proceedings of the 12th July, namely, that in those districts where slavery was in general usage, or any way connected with, or likely to have influence on, the cultivation or revenue, particular advice was to be transmitted to us of such usage, and every circumstance connected with it, when we should give such directions as we might judge to be necessary; but that considering their reference, in the mean time, in the light of a general proposition, we were of opinion that the right of masters to the children of their slaves could not legally be taken from them in the first generation, but that this right could not and ought not to extend further; and we directed the several provincial divisions to make publication accordingly.

Cons. 12th July.

Par. 25.—We cannot doubt that the motives of policy and humanity which influenced this regulation will meet with your approval; but we would wish also to be favoured with your sentiments and orders on the subject to regulate our conduct, when we shall receive the reports called for from the provincial councils of the state of slavery throughout their districts; some of those have been already received, others are still expected.

Extract Bengal Revenue Consultations, 17th May 1774.

MINUTE.—THE Establishments hitherto formed for the police of the town of Calcutta having been found insufficient to remedy all the disorders incident to so populous a city, and the Foujdarry Adawlut being greatly impeded by the proper exercise of its functions; by the continual appeals which are made to it by the European inhabitants, in complaints against their servants, by which crimes of the most atrocious nature have remained for months unexamined, and the gaols crowded with prisoners:

RESOLVED,—That the following Regulations be established and made public:

REGULATIONS.

9th.—THAT every person who shall forcibly detain or sell any man, woman or child, as a slave, without a cawbowla or deed attested in the usual manner by the Cauzee of the place where the slave was purchased by the proprietor, or who shall decoy away or steal any children from their families or places of abode, shall be punished as the law to which he is amenable shall direct.

10th.—That from the 1st day of July 1774, answering to the 21st day of Rebbee Astamy, or the 11th Assar, Bengal style, no person shall be allowed to buy or sell a slave, who is not such already by former legal purchase; and any Cauzee who shall grant any cawbowla after that date, for the sale of any slave whatever, shall be dismissed from his employment, and such cawbowla shall be invalid.

MINUTE.—It is necessary to remark upon the two preceding regulations, that the practice of stealing children from their parents, and selling them for slaves, has long prevailed in this country, and has greatly increased since the establishment of the English government in it. The influence derived from the English name to every man whose birth, language, or even habit, entitles him to assume a share in its privileges, and the neglect of the judicious precautions established by the ancient law of the country, (which requires that no slave shall be sold without a cawbowla or deed attested by the Cauzee, signifying the place of the child's abode,) if in the first purchase, (its parents' names, the names of the seller and purchaser, and a minute description of the persons of both,) having greatly facilitated this savage commerce, by which numbers of children are conveyed out of the country on the Dutch, and especially the French vessels, and many lives of infants destroyed by the attempts to secrete them from the notice of the magistrate. There appears no probable way of remedying this calamitous evil, but that of striking at the root of it, and abolishing the right of slavery altogether, excepting such cases to which the authority of government cannot reach; such, for example, as laws in being have allowed, and where slaves have become a just property by purchase antecedent to the proposed prohibition. The opinions of the most creditable of the Mussulmen and Hindoo inhabitants have been taken upon this subject, and they condemn the authorized usage of selling slaves, as repugnant to the particular precepts both of the Koran and Shastar, oppressive to the people, and injurious to the general welfare of the country.

Bengal Papers: State of Slavery in Company's Territories.

Extract Bengal Revenue Consultations, 14th June 1774.

RESUMING the consideration of the Resolutions regarding the police, entered on consultation the 17th May;

Ordered,—That a copy be transmitted to the superintendent of the police for the information of the inhabitants, and agreed that the following circular letter be written to the provincial councils and committee of revenue.

L. S. N° 247. To Samuel Middleton, Esq. Chief, &c. Provincial Council of Revenue, Moorshedabad.

(Circular.)

Gentlemen,—We transmit you herewith copy of a Resolution which we have thought proper to adopt relative to the custom which has hitherto obtained in the country, of vending persons as slaves; we desire you will see the same effectually carried into execution in your division. We are, &c.

The same to the Cal. Comm. of Revenue, and the Provincial Council, Fort William, 14th June 1774.

Extract Bengal Revenue Consultations, 28th June 1774.

L. R. N° 351. READ the following Letter from the Provincial Council of Revenue at Dacca:

To the Hon. Warren Hastings, Esq. President and Governor, &c. Council of Revenue, Fort William.

1789. Honourable Sir and Sirs,—We have been honoured with your letter of the 14th June; the Regulations enclosed therein shall be immediately made public.

As it is an established custom throughout the Dacca districts to keep in bondage all the offspring and descendants of persons who have once become slaves, we request to be favoured with your orders whether the benefit of your second regulation is to be extended to the children of slaves born subsequent to the period mentioned in that regulation. We are, &c.

(signed) *J. Shakespear.* *Wm Holland.*

Dacca, June 20th, 1774.

Extract Bengal Revenue Consultations, 12th July 1774.

Extract Letter to Richard Barwell, Esq. Chief, &c. Council at Dacca; dated 12th July 1774.

WE have considered the reference contained in your letter of the 20th June, on the subject of the rights of masters over the offspring of their slaves.

In those districts where slavery is in general usage, or any way connected with, or is likely to have any influence on the cultivation or revenue, which we are informed is the case at Sylhet, and may be so in the other (especially the frontier) parts of your division, we must desire you particularly to advise us what is the usage and every circumstance connected with it, and we shall then give such directions as we may judge to be necessary; but considering your reference in the meantime, in the light of a general proposition, we are of opinion that the right of masters to the children of the slaves, already their property, cannot legally be taken from them in the first generation, but we think that this right cannot and ought not to extend further, and direct that you do make publication accordingly.

Agreed,—That this be added to the regulations established for the police of Calcutta, in consultation, the 17th May, and that it be sent to the Calcutta committee of revenue and the provincial councils, in the following letter:

L. S. N° 281. To Samuel Middleton, Esq. Chief, &c. Provincial Council of Revenue at Moorshedabad.

(Circular.)

Gentlemen,—In consequence of a reference made to us by the provincial council of revenue at Dacca, we have lately had under our consideration the subject of the rights of masters over the offspring of their slaves. In those districts where slavery is in general usage, or any way connected with, or is likely to have any influence on the cultivation or revenue, which we are informed, is the case in the frontier

frontier parts of Bengal, we must desire you particularly to advise us what is the usage and every circumstance connected with it, and we shall then give such directions as we may judge to be necessary; but considering the reference in the meantime, in the light of a general proposition, we are of the opinion, that the right of the masters to the children of the slaves, already their property, cannot legally be taken from them in the first generation; but we think that this right cannot, and ought not, to extend further, and direct that you do make publication accordingly.

Fort William, 12th July 1774. We are, &c.

Extract Bengal Revenue Consultations, 16th August 1774.

Read the following letter from the Provincial Council of Patna.

L. R°. N° 442.

To the Honourable Warren Hastings, Esq. President, &c. Council of Revenue, Fort William.

Honourable Sir and Sirs,—WE have agreeably to your commands of the 12th ultimo, made public your pleasure, that the right of masters over their slaves, should not extend beyond the first generation. On investigating the subject, we find that there are two kinds of slaves in this province, Mussulman and Hindoo, the former are properly called Moalazadeh, and the latter Kahaar. Slaves of either denomination, are considered in the same light as any other property, and are transferrable by the owner, or descend at his demise to his heirs. They date the rise of the custom of Kahaar slavery, from the first incursions of the Mahomedans, when the captives were distributed by the general among the officers of his army, to whose posterity they remained. All other slaves have become so, by occasional purchase, as in cases of famine, &c. The Kaboleh must be signed by the mother or grandmother, and not by the father. Children also born of slaves, are the property of the owner of the woman, though married to a slave of a different family.

The Palankeen bearers in this province, are all of this latter tribe, and belong to some person or another, though allowed to intermarry, labour for themselves, and act at their own discretion, the same as if no such nominal bondage subsisted. The masters of these slaves, to avoid the expense of their personal attendance, suffer them to work elsewhere for a livelihood. Whole families were formerly sold together, but we do not find that the custom, though of old standing, and still in force, is now attended to, except in the Mofussil, where, sometimes the survivor of an old family retired on his altermga, cultivates his lands by the hands of these slaves, who also perform the menial offices of the house. To a person thus situated, the keeping of slaves may answer; the grain produced by their labour, serving for their support. It seems, that on the sale of a slave, who separately procures his own subsistence, only one half of the price is received by the owner, the other half going to the parents of the slave. In the city, few people choose these Kahaar slaves, being indifferent to their business, and equally expensive with other servants. The female slaves, we are told, are of more use in families, none being without them. It is urged, that a condition of this kind, is consistent with the manners of a country where women are kept in continual retirement, and such privacy observed in regard to them, as would be much affected by a frequent change of servants. On the whole, we do not imagine that alterations in the usage of slaves, will be attended with any consequences of moment to the cultivation or revenue of this province.

We are sorry to inform you, that we have not had any rain here for these twenty days, which has occasioned great clamour in the Mofussil, and we fear will be attended with very serious consequences, if not shortly relieved. The price of grain has risen very much with these few days, and will continue to do so till an alteration of weather.

We are, with respect, &c.

Patna, 4th August 1774. (signed) *Thomas Lane.* *G. Hurst.* *Robert Palk.* *Ewan Law.*

Extracts from a Translation of the Gentoo Laws, by N. B. Halhed, Esq.; transmitted by the Bengal Government to the Court of Directors, in 1774, explanatory of the different kinds of service recognized by the Gentoo Laws.

Letter from Warren Hastings, Esq. Governor General of Fort William, in Bengal, to the Court of Directors of the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,—I HAVE now the satisfaction to transmit to you a complete and corrected copy of a translation of the Gentoo Code, executed with great ability,

 diligence

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diligence and fidelity by Mr. Halhed, from a Persian version of the original Shanscrit, which was undertaken under the immediate inspection of the pundits or compilers of this work.

I have not time to offer any observations upon these productions; indeed, they will best speak for themselves. I could have wished to have obtained an omission or amendment of some passages, to have rendered them more fit for the public eye; but the pundits, when desired to revise them, could not be prevailed upon to make any alterations, as they declared, they had the sanction of their Shaster, and were therefore incapable of amendment; possibly these may be considered as essential parts of the work, since they mark the principles on which many of the laws were formed, and bear the stamp of a very remote antiquity, in which the refinements of society were less known, and the manners more influenced by the natural impulse of the passions.

I have the honour to be, with the greatest respect, Honourable Sirs, your most obedient and most faithful humble servant,

(signed) *Warren Hastings.*

Fort William, 27th March 1775.

Extract from the complete and corrected Copy of a Translation of the Gentoo Code, by *N. B. Halhed,* Esq.

Chap. VIII.—Of Servitude.

Sect. I. Of appellations of apprentices, servants, slaves, &c.
Sect. II. Of the modes of enfranchising slaves.
Sect. III. Of such as are slaves, and of such as are not slaves.

Sect. I.—Of appellations of apprentices, servants, slaves, &c.

Service is of five sorts, viz.

1.—Shish.
2.—Antee Bàshee.
3.—Bhertuk.
4.—Adhegeerun Gerrut.
5.—Doss.

The first is, when a person is learning the science of the Beids, or any other Shaster, he is called Shish; and until he hath learned the science, he shall perform service for his tutor; and during the time he remains in his tutor's house to learn that science, whatever gain he may happen to acquire by such science, his tutor shall receive.

The second is when a person is learning painting or designing, or needlework, or any other such employment from an instructor, he is called Antee Bàshee; and while he is learning that art, he shall perform service for his master; and while he remains in his master's house, until he shall have learnt that art, during that time, whatever gain he may happen to acquire by such art, his master shall receive; and if an apprentice should forsake his master, who is without fault, and should go elsewhere to learn his art, the magistrate shall banish such apprentice from the kingdom.

The third is Bhertuk, which is two-fold; the first, Arteh Bherut, the second, Bhook Bherut.

1.—When a person, on receiving wages, performs service for it, that is called Arteh Bherut.

2.—When a person peopling and cultivating the lands of any other man, takes a part of the crop by way of wages, or who, upon breeding up for another person, kine, buffaloes, and such kind of cattle, takes for his wages the milk, or some of the kine and buffaloes aforesaid, that is called Bhook Bherut.

The fourth is when a man takes care of his relations and family, that is called Adhegeerun Gerrut. From servants of these four kinds no undue service shall be required; they shall be caused to perform only such duty as is suitable to their caste. Undue service shall be performed by the Doss. Undue service is as follows: to sweep and cleanse the house, the court of the house, the doorway or entrance, the necessary and other impure places; and in times of sickness to attend upon and cleanse the patient, after the natural evacuations; and to take away of the excrements, and to rub the feet. Except these kinds of service, all other service is suitable and due.

The

The fifth is doss, or slaves; and the doss is of fifteen species.

1.—Whoever is born of a female slave, and is called Gerhejàt.

2.—Whoever is purchased for a price, and is called Keereeut.

3.—Whoever is found any where by chance, and is called Lubdehee.

4.—Whoever is a slave by descent from his ancestors, and is called Dayavaupakut.

5.—Whoever hath been fed, and hath had his life preserved by another during a famine, and is called Enàkàl Behrut.

6.—Whoever hath been delivered up as a pledge for money borrowed, and is called Abut.

7.—Whoever, to free himself from the debt of one creditor, hath borrowed money from another person, and having discharged the old debt, gives himself up as a servant to the person with whom the present debt is contracted; or whoever, by way of terminating the importunities of a creditor, delivers himself up for a servant to that creditor, and is called Mookhud.

8.—Whoever hath been enslaved by the fortune of battle, and is called Joodih Peeraput.

9.—Whoever becomes a slave by a loss on the chances of dice, or other games, and is called Punjeet; according to the ordinations of Perkashkar and Pareejaut, and according to the ordination of Chendeesur, it is thus that by whatever chance he is conquered, and becomes a slave, he is called Punjeet—approved.

10.—Whoever of his own desire says to another, "I am become your slave," and is called Opookut.

11.—When a Chebteree, or Bice, having become Sinassee, apostates from that way of life, the magistrate shall make him a slave, and is called Perberjabesheet.

12.—Whoever voluntarily gives himself as a slave to another for a stipulated time, and is called Gheerut.

13.—Whoever performs servitude for his subsistence, and is called Bheekut.

14.—Whoever, from the desire of possessing a slave girl, becomes a slave, and is called Berbakrut.

15.—Whoever of his own accord sells his liberty, and becomes a slave, and is called Bekreet.

Section II.—Of the modes of enfranchising Slaves.

Whoever is born from the body of a female slave, and whoever hath been purchased for a price, and whoever hath been found by chance any where, and whoever is a slave by descent from his ancestors, these four species of slaves, until they are freed by the voluntary consent of their master, cannot have their liberty; if their master, from a principle of beneficence, gives them their liberty, they become free.

Whoever having received his victuals from a person during the time of a famine, hath become his slave, upon giving to his provider whatever he received from him during the time of the famine, and also two head of cattle, may become free from his servitude; according to the ordinations of Pachessputtee Misr, approved. Chendeesur, upon this head, speaks thus: That he who has received victuals during a famine, and hath by those means become a slave, on giving two head of cattle to his provider, may become free.

Whoever, having been given up as a pledge for money lent, performs service to the creditor, recovers his liberty whenever the debtor discharges the debt; if the debtor neglects to pay the creditor his money, and takes no thought of the person whom he left as a pledge, that person becomes the purchased slave of the creditor.

Whoever, being unable to pay his creditor a debt, hath borrowed a sum of money from another person, and paid his former creditor therewith, and hath thus become a slave to the second creditor, or who, to silence the importunities of his creditors' demands, hath yielded himself a slave to that creditor, such kind of slaves shall not be released from servitude until payment of the debts.

Whoever, by the loss of the chance in any game, and whoever, by the fortune of war, is enslaved, these two persons, upon giving two others equal to themselves in exchange, are released from their servitude.

If the slave of one person goes to another, and of his own desire consents to be the slave of that person, in this case he must still be the property of the person to whom he was first a slave. The mode of release for every kind of slave shall take place according to the ordination laid down for each.

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A Chehtree and Bice, who, after having been Sinassees, apostate from that way of life, and are become the slaves of the magistrate, can never be released.

If a Brahmin hath committed this crime, the magistrate shall not make him a slave; but, having branded him in the forehead with the print of a dog's foot, shall banish him the kingdom.

Whoever hath yielded himself a slave for a stipulated time, upon the completion of that term shall recover his freedom.

Whoever performs a servitude for his subsistence, shall recover his freedom upon renouncing that subsistence.

Whoever, for the sake of enjoying a slave girl, becomes a slave to any person, he shall recover his freedom upon renouncing the slave girl.

Whoever hath become a slave, by selling himself to any person, he shall not be free until the master, of his own accord, gives him his freedom.

If the master, from a principle of beneficence, gives him his liberty, he becomes free.

If a thief, having stolen the child of any person, sells it to another, or a man, by absolute violence, forces another to be a slave, the magistrate shall restore such person to his freedom.

If the master of a slave should be in imminent danger of his life, and at that time this slave, by his own efforts and presence of mind, is able to save the life of his master, the slave aforesaid shall be freed from his servitude, and be held as a son; if he chooses it, he may stay with his former master, or, if he chooses it, shall quit that place, and go where he will at liberty.

Whoever is without a legitimate child, and, from the seeds of his own body, hath a child from the womb of a slave girl, that girl, together with her son, becomes free.

When any person, from a principle of beneficence, would release his slave, the mode of it is this: the aforesaid slave shall fill a pitcher with water, and put therein berenge-à-rook (rice that has been cleansed without boiling), and flowers, and doob (a kind of small salad), and taking the pitcher upon his shoulder, shall stand near his master; and the master, putting the pitcher upon the slave's head, shall then break the pitcher, so that the water, rice, flowers, and doob, that were in the pitcher, may fall upon the slave's body; after that, the master shall three times pronounce the words, "I have made you free:" upon this speech, the slave aforesaid shall take some steps towards the east, whereupon he shall be free.

Whoever hath become a slave to any person, the master is proprietor of any property that slave may acquire, exclusive of the price of his own slavery, and exclusive also of any thing which may be given to him as a present.

Section III.—Of such as are Slaves, and of such as are not Slaves.

If the slave of any person marries a woman, that woman becomes the slave of the same master, unless she be the slave of any other person.

If that woman be the slave of any person, and her master gives consent to the marriage, in that case also she becomes the slave of her husband's master.

A man of a superior caste, if he is upright and steady in the principles of that caste, can never be the slave to a man of an inferior caste.

Slaves are made of the three castes of Chehteree, Bice, and Sooder; a Brahmin can never be a slave.

If a Chehteree, a Bice, or a Sooder, cause a Brahmin to become a slave, the magistrate shall exact a fine from them of 1,100 puns of cowries.

A Brahmin cannot cause another Brahmin to become a slave; but the Brahmin who is learned in his science may cause an unlearned Brahmin to perform all proper service for him, exclusive of those undue services above described; and he who is well grounded in science may also cause such due services to be performed by those who are unprincipled in science, according to the ordinations of Pàrrejaut and Helàyoodeh—approved.

Lukkee Deher, upon this head, speaks thus: that whoever, being a Brahmin, acts like a Chehteree, a Bice, or a Sooder, such kind of Brahmin must never cause other Brahmins to perform duty or service for him.

If any person obliges a learned Brahmin, against his own consent, to perform labour and service, the magistrate shall fine him 600 puns of cowries.

If a Brahmin hath purchased a Sooder, or even if he hath not purchased him, he may cause him to perform service.

The Chehteree, Bice, and Sooder, may each cause their respective castes to perform

form service; as a Chehteree may employ another Chehteree, a Bice may employ another Bice, and a Sooder may employ another Sooder; as also a superior caste may employ the inferior caste, as a Brahmin may employ a Chehteree, a Chehteree may employ a Bice, and a Bice may employ a Sooder.

If a man sells the wife of a Brahmin to any person, or keeps her to himself, it is not approved; the magistrate shall release the woman, censure the vendor, and hold him amenable.

If a person, in time of calamity, sells his slave girl to another person, without her consent, the magistrate shall fine the vendor 200 puns of cowries.

A woman, who is of good character and behaviour, and who, coming to a person's house, fixes her abode there, shall not be obliged to perform any labour or service, nor shall she be delivered over to any person; if she be obliged to perform service, or be delivered over to any other person, the magistrate shall exact a fine from the offending party, and release the woman.

EXTRACT from the Charge delivered by Sir William Jones, a Judge of the Supreme Court at Calcutta, to the Grand Jury, June 1785.

ONE case has come regularly before me as a Justice of the peace, concerning the death of a slave girl, whom her master had beaten, I think it my duty to mention more at large, leaving to you the determination on facts from a view of all the circumstances, and declaring only my opinion of the law. A master may legally correct his servant with moderation, and with a view to his amendment; nor, if the servant thus corrected should die by some misfortune unforeseen, and unlikely to happen, would the master be guilty of any crime; but if the correction be immoderate, excessive, unreasonable, cruel, the party may have, if he live, a reparation in damages; or if he die, the master will be guilty of manslaughter or of murder, according to the circumstances; of manslaughter, if he gave the fatal blow in a sudden burst of passion, after violent provocation, with a weapon not likely to kill; of murder, if he had full time for deliberation and coolness of blood; and that whether he intended to destroy life, or only to chastise immoderately; for the true sense of malice, to constitute this horrible crime, is malignity of heart, or a disposition to do mischief, which may be ascertained by comparing the fault with the correction; and the age and condition of the person stricken with the force of the striker, and the danger of the instrument used by him. It is hardly needful to remark, that in such cases, a servant and a slave, if such a relation be known to our modern law, stand precisely on the same ground as a lord in feudal times might indisputably have been convicted of murder for killing his villain or his neife.

In the present case, you will hear the witnesses on one side only; and it is recommended by great lawyers, lest enormous crimes should be smothered without a trial, that grand juries find such bills, as their consciences oblige them to find at all, for the highest degree in the scale that the evidence fairly supports; leaving it to the petty jury, under the direction of the court, in questions of law, either to hold the prisoner guiltless, or to ascertain the precise measure of his guilt by their verdict; but you are not absolutely bound to follow this practice: you are bound to find the whole truth, as nearly as you can; and if the evidence amount not, in your conscientious opinion, to murder, you may reject the bill for that crime, and find another for manslaughter; nor ought it ever to be forgotten, that the great rule which all should observe, from the petty juryman to the prince, is, to look on the crime and example with the eye of severity, but on the criminal, as far as possible, with the eye of compassion; since it is the extremity of evil, says Lord Bacon, "When mercy has no commerce with misery:" yet it must be added, that mercy is due to the public also, who may be great sufferers, if crimes actually committed escape unpunished.

There is another subject which has made a deep impression on my mind, and you will, I trust, accompany, if not anticipate my remarks on it: I mean the misery of domestic bondage, always afflicting enough in itself, and in this town often aggravated by the cruelty of masters. Permit me here to request that you will not consider my observations on this head as relating to the death of the girl, for which Osborne is imprisoned; but his act, whatever may be the guilt of it, must not preclude me from discoursing on other acts of the same nature, the consequences of which have not been so dreadful. It is needless to expatiate on the law (if it be law) of private slavery; but I make no scruple to declare my own opinion, that absolute unconditional slavery, by which one human creature becomes the property of another,

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another, like a horse or an ox, is happily unknown to the laws of England, and that no human law could give it a just sanction; yet though I hate the word, the continuance of it, properly explained, can produce little mischief. I consider slaves as servants under a contract, express or implied, and made either by themselves, or by such persons as are authorized by nature or law to contract for them, until they attain a due age to cancel or confirm any compact that may be disadvantageous to them. I have slaves whom I rescued from death or misery, but consider them as other servants, and shall certainly tell them so when they are old enough to comprehend the difference of the terms. Slaves, then, if so we must call them, ought not to be treated more severely than servants by the year or by the month, and the correction of them should ever be proportioned to their offence; that it should never be wanton or unjust, all must agree. Nevertheless, I am assured from evidence, which, though not all judicially taken, has the strongest hold on my belief, that the condition of slaves within our jurisdiction is beyond imagination deplorable, and that cruelties are daily practised on them, chiefly on those of the tenderest age and the weaker sex, which, if it would not give me pain to repeat, and you to hear, yet, for the honour of human nature, I should forbear to particularize. If I except the English from this censure, it is not through partial affection to my own countrymen, but because my information relates chiefly to people of other nations, who likewise call themselves christians. Hardly a man or a woman exists in a corner of this populous town, who hath not at least one slave child, either purchased at a trifling price, or saved perhaps from a death that might have been fortunate, for a life that seldom fails of being miserable. Many of you, I presume, have seen large boats filled with such children, coming down the river for open sale at Calcutta; nor can you be ignorant that most of them were stolen from their parents, or bought, perhaps, for a measure of rice in a time of scarcity, and that the sale itself is a defiance of this government, by violating one of its positive orders, which was made some years ago, after a consultation of the most reputable Hindus in Calcutta, who condemned such a traffic as repugnant to their Sastra. The number of small houses in which these victims are pent, makes it indeed very difficult for the settlement at large to be apprized of their condition; and if the sufferers knew where or how to complain, their very complaints may expose them to still harsher treatment,—to be tortured, if remanded, or if set at liberty, to starve. Be not, however, discouraged by the difficulty of your inquiries; your vigilance cannot but surmount it; and one great example of a just punishment, not capital, will conduce more to the prevention of similar cruelties, than the strongest admonition or severest verbal reproof. Should the slave-holders, through hardness of heart or confidence in their places of concealment, persist in their crimes, you will convince them that their punishment will certainly follow their offence, and the most hardened of them will, no doubt, discontinue the contest. Here, again, I may safely promise you, that, whatever the court can do in terminating this evil will cheerfully be done; and if our concurrent labour should yet be found ineffectual, I confidently persuade myself that such regulations of government will be adopted, on our recommendation, as cannot fail of insuring future protection to the injured, support to the weak, and some consolation at least to the wretched. But I once more adjure you to dismiss these observations from your mind, when you deliberate on the case of homicide, to consider them as pointed solely at acts of cruelty, which make life miserable without causing the loss of it, and to find such bills as you cannot avoid finding, according to the whole evidence before you, and to your opinion, after our directions, of the law resulting from it.

Trade in Kidnapped Children, in Dacca, ordered to be suppressed, 1785–1787.

Extract Bengal Revenue Consultations, 9th September 1785.

Read the following letter from the Committee of Revenue.

To the Honourable John Macpherson, Esq. Governor General, &c. Council of Revenue, at Fort William.

Honourable Sir and Sirs:— WE have the honour to enclose you a letter we have received from the chief of Dacca.

We take the liberty of requesting your speedy interference to stop the pernicious trade mentioned in the former part of his letter, which is also as inhuman as it is illegal; at the same time, we beg leave to submit to you the measures we have judged

judged it expedient to recommend to Mr. Day, for the apprehension and prosecution of the persons guilty of so flagrant a contempt and violation of the orders of government. With respect to the distress and threatened mortality in the eastern division of Dacca, as we are well satisfied the situation of the inhabitants is not exaggerated, we hope to be favoured with your commands, authorizing us to indulge Mr. Day with the discretionary power he solicits.

We are, with respect, &c.

(signed) *William Cowper*, &c. Members.

Calcutta, 14th March 1785.

(Copy.)—To William Cowper, Esq. Acting President, and Committee of Revenue, Fort William.

Gentlemen:—Intelligence of a very serious nature having been given me respecting a trade which has lately been established between the low caste of Portuguese at this place and those of Calcutta, Chinsurah, and other foreign settlements, I beg leave to submit the particulars to you, and to request such interference as may prevent, and put a final stop to its existence; the nature of which cannot but ultimately prove of the utmost detriment to government.

The long continued distress this district has laboured under from a general scarcity of grain, and the failure of crops in consequence of the late deluge, has reduced its inhabitants to the lowest pitch of misery and distress; the poor and the lowest class of people, to secure to themselves a subsistence, are reduced to a sale of their children, and many hundreds have been purchased; I find, in the interior part of this district, by persons deputed from this place by the aforementioned people, and immediately dispatched for Calcutta and its environs, they are, for the most part, landed in the foreign settlements, from whence, I am given to understand, they are embarked in vessels to different parts; at this time many boats are between this and Calcutta, by the Sunderbunds, loaded with children of all ages. The honourable Mr. Lindsay, who arrived on Friday last, informed me that he met above a hundred. To prevent and save these poor wretches from transportation and slavery, will be the wish of every one. The most apparent method by which this can be effected, is for orders to be issued to the custom masters to secure all boats as they arrive, laden with children, and by so doing, it may be the means of tracing the concern to the principal, who, as acting in open defiance of the public, and long established orders of government, may be brought to justice. I have, on my own part, adopted every possible means to stop the continuance of it, by placing boats and people at all outlets of those parts from whence they are brought, with directions to seize all such so laden, and to bring them to the city; at the same time, I thought it necessary, on a supposition that many might be secreted in the town, to cause a general search throughout the bazaars and private places, for children brought from the Mofussil. My suspicion was not ill grounded; this morning, 42 from two years and upwards, as far as six years, were produced with the people who had them for sale. I have, in consequence, ordered them into confinement till such time as I can receive your orders on the subject. The children are objects the most striking, and can barely be said to have life. I have ordered them to be taken care of, and mean, as soon as their place of residence can be ascertained, to return them to their families, with any further assistance your Board may think necessary. I beg leave further to trouble you on a subject equally alarming with that just mentioned. From the long scarcity and high price of grain throughout this district, and the total want of it in the eastern part of the division, many hundreds, I may say thousands, of unhappy wretches, are now laying on the banks of the Burrumpoter, some in the agonies of death, and others emaciated by famine, with hardly strength to crawl along, imploring the assistance of passengers. From the best authority, I am informed, that spectacles so shocking, the eye never beheld. The price of grain in those parts is from 20 to 25 seers for the rupee; but these poor creatures reduced to skeletons, by long fasting, are incapable of manual labour, and have not wherewith to purchase.

To effect and afford every relief in my power, to the people in question, I have dispatched a quantity of rice, under the charge of proper people, to be boiled at different places, and daily distributed to the unfortunate. The gentlemen and principal inhabitants have contributed towards the expense, and the amount already, and what I flatter myself will be subscribed, may, in a great measure, be sufficient to answer my wish. In the event of its not proving so, I hope the Board will be

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pleased to indulge me with a discretionary power of making up the deficiency at the public expense. I am, Gentlemen, your most obedient humble servant,

Dacca, the 2d March 1785. (signed) *M. Day*, Collector.

(A true Copy.)
(signed) *John Scott*, Assis^{t} Sec^{y}.

MINUTE.—Ordered, That the president of the department of customs be directed to issue orders to the officers subordinate to his office, to secure all boats that may arrive laden with children, and to report the same to the chief of the division, where such seizure may happen to be made.

Extract of a letter from the Government to the Committee of Revenue; dated the 9th September 1785.

We approve of the orders issued by you, to the chief of Dacca, and direct that in future the utmost diligence be used to prevent the trade of children being carried on; and although from the present abundance of grain, we have no reason to apprehend the continuance of it, we have, nevertheless, furnished the president of the department of customs, with the directions requested by the chief of Dacca.

Extract, Bengal Revenue Consultations, 20th September 1787.

Read, a letter from the superintendents of police.

To the Right honourable Charles Earl Cornwallis, Governor General in Council, &c. &c.

My Lord,—THE superintendents of police, humbly represent to your Lordship, that upon an information, they apprehended twenty persons, from the age of four to sixteen, who have been stolen or improperly seduced from the Dacca province. The person who conducted them being alarmed, made his escape out of Calcutta previous to the arrival of the Peons. On a former similar occasion, the superintendents received an order from the Governor General and Council, through the committee of revenue, to provide a proper boat, &c. and send them to the collector of Dacca. They humbly submit it to your Lordship, whether such an order should not be now issued. We have the honour to be, &c.

(signed) *Thos Motte.* *Edwd Maxwell.*

Calcutta, the 31st August 1787.

Ordered, That the superintendents be directed to return the children, with a letter to the judge at Dacca, to be delivered to their parents.

Extract, Bengal Revenue Consultations, 21st December 1787.

Read, the following letter and enclosure from the superintendents of police, to the Right honourable Earl Cornwallis, Governor General in Council in the Revenue Department.

My Lord,—IN obedience to your Lordship's orders, bearing date 20th September, we transmitted to the collector at Dacca, 12 boys and 21 girls to be restored to their parents and relations, they having been improperly brought from Dacca province for sale as slaves in Calcutta.

We beg leave to send herewith the collector of Dacca's letter, acknowledging the receipt, also the bill of expenses attendant on the same.

We have the honour to be, &c.

(signed) *Thomas Motte.* *Edward Maxwell.*

Police-office, 17th December 1787.

To Messrs. Motte and Maxwell.

Gentlemen,—I have the pleasure to acknowledge the receipt of your letter of the 1st inst. accompanying twelve boys and twenty-one girls belonging to this district under charge of Churreemeulah and three other Peons, and which, in obedience to the wish of the Right honourable the Governor General, shall be restored to their parents or relations in the same manner as those transmitted to me two years since. I have, &c.

Dacca, the 22d November 1787. (signed) *M. Day*, Collector.

Ordered, That the Bill be passed, and paid from the Khalsa treasury.

PAPERS relative to the Trial and Conviction in the Supreme Court at Calcutta, of the Commander of a Danish Trading Vessel, for procuring and collecting Native Children, and exporting them for sale as Slaves.

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Extract of a Letter from Lord Cornwallis, Governor General of India, to the Court of Directors; dated 2d August 1789.

Par. 28.—AN infamous traffic has, it seems, long been carried on in this country by the low Portuguese, and even by several foreign European seafaring people and traders, in purchasing and collecting native children in a clandestine manner, and exporting them for sale to the French islands, and other parts of India.

Par. 29.—I have at different times taken steps to prevent the continuance of practices which are so shocking to humanity, and so pernicious to your interests. And in order to deter all persons under the authority of this government from being concerned in that species of trade, I lately directed that a commander of a country vessel who carried off some children last winter, should be prosecuted criminally before the Supreme Court; and I have likewise published a proclamation to give notice, that any person living under the Company's protection, or in any shape under the authority of this government, who shall be convicted of carrying on, or aiding or abetting the barbarous traffic that I have mentioned, will be certain of meeting with the most exemplary punishment.

Par. 30.—There are many obstacles in the way against abolishing slavery entirely in the Company's dominions, as the number of slaves is considerable, and the practice is sanctioned both by the Mahomedan and Hindoo laws.

Par. 31.—I have, however, a plan under consideration, which I hope to be able to execute without doing much injury to the private interests, or offering great violence to the feelings of the natives, and which has for its object the abolition of the practice under certain limitations, and the establishing some rules and regulations to alleviate as much as may be possible, the misery of those unfortunate people during the time that they may be retained in that wretched situation.

[No further notice of the plan here adverted to by his Lordship, has been traced upon the records of the Bengal Government.]

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors in the Public Department; dated 10th August 1789.

Par. 97.—WE are greatly concerned to inform you, that we have been compelled, from motives of humanity to the natives of these provinces, and considerations of no less importance to the character of a British government, to institute a criminal prosecution in the Supreme Court of judicature against Captain P. Horrebow, the commander of a ship in the country trade of this port, for procuring and carrying from hence in the month of January last, a number of natives, whom under the denomination of slaves he sold on the Island of Ceylon.

Par. 98.—Our proceedings noted in the margin, contain the grounds upon which we were induced to undertake this prosecution, the measures adopted to verify the charge, the apprehension and commitment of Captain Horrebow to confinement in the New Fort, his letter containing arguments in extenuation of his crime, his application to be released upon bail, the cause of delay in his enlargement, and our final resolution admitting it on his giving security to appear and plead to the indictment on which he was to be tried, in consequence of the bill found against him by the grand jury.

Consultation, 29th May, 3d, 10th, 19th and 26th June.

Par. 99.—Mr. Horrebow's trial took place on the 27th ult. He was found guilty, and sentenced to be imprisoned for three months, to pay a fine of 500 rupees to the King, and to find security for his good behaviour for three years, himself in the sum of 5,000 rupees, and two securities in 2,500 rupees each.

Consultation, 29th July, 5th Aug.

Par. 100.—The practice of exporting natives from these provinces to be slaves in other parts of India or elsewhere, having subsisted as we understood for some years, notwithstanding the prohibitory regulations of government, we had previous to the charge against Mr. Horrebow, seriously considered the subject, with a determination to prevent the continuance of such an abuse by every means in our power. We have lately caused a proclamation, expressing our orders and intentions to be made and published in the English and country languages against this inhuman practice. A copy of it accompanies this letter. Further regulations against slavery in the internal parts of Bengal and Behar have been devised, with the consent and approbation of the Judges of the Supreme Court; but we have thought it necessary

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previous to adopting them, to transmit a copy thereof to Mahomed Reza Cawn, the Naib Nizam, that we may receive his opinion on a point of much importance, whether they militate in any respect with the laws and licensed usages of the country.

Extract, Bengal Public Consultations, 29th May 1789.

THE following extract is recorded from the Bengal Journal, published on the 25th ultimo.

" We think it our duty to lay before the public the following fact, which we are " sorry to say has been fully verified to us by a gentleman of the first integrity.

" Mr. Horrebow, who sailed from this port in January last, took on board at " Fultah, one hundred and fifty unhappy children, whom, previous to his departure, " he had purchased in Bengal; he transported them under English colours to " Columbo, where they were sold as slaves. The Dutch governor, Mynheer Van " De Grave, in terms most honourable to himself, refused to permit their being " landed, but Mr. Horrebow, not caring to lose the profit on a cargo so judiciously " chosen, found means to elude the vigilance of the governor, and accordingly " availed himself of an excellent market for his wares."

Captain Horrebow having arrived at this port, and it being supposed that the officers of the private snow Charlotte, which was at Columbo when Captain Horrebow's ship was there, could give some intelligence relative to the facts stated in the newspaper; the following resolution was passed on the 26th inst.

" That the officers of the Charlotte should be examined by the Company's " attorney the next morning, and upon their verifying the fact relative to " Mr. Horrebow's trading in slaves, that he and his officers should be called before " the Council and examined separately, or sent before one of the Judges as might " hereafter appear most expedient. If Mr. Horrebow is a British subject, or has " been employed in the service of a British subject, or taken any of the slaves on " board at Calcutta, in either of those cases he is subject to the jurisdiction of the " Supreme Court, and may be prosecuted at the ensuing sessions; but if not in " either of those situations, he can be only punished in the Fouzdarry court."

The Company's attorney now attends with the depositions of the officers of the Charlotte, who are to be desired again to be at his chambers on Monday morning, that their depositions may be sworn to, after which the Board will determine the measures to be taken with respect to Captain Horrebow.

Extract, Bengal Public Consultations, 3d June 1789.

ON the 29th of last month it was recorded that the Company's attorney had attended the Board with the depositions of the officers of the Charlotte snow, upon a complaint made against Captain Horrebow of his trading in slaves, and it was mentioned at the same time, that the gentlemen were to attend Mr. Jackson on Monday morning, that their depositions might be sworn to. This having been done, the affidavits were delivered to the secretary by the Company's attorney on that day, and the orders which will be entered after them, were sent by the directions of the Governor General in Council to the superintendents of the police. Instructions were at the same time given to the town major to receive Captain Horrebow into custody, and to keep him in confinement till further orders.

N° 6. Fort William in Bengal.—*John Peters*, commander of certain vessel called the Charlotte, maketh oath and saith, That he was at Columbo in February last; that Peter Horrebow, the commander of a certain vessel called the Friendship, arrived at that port about the latter end of that month, or the beginning of March; that the said Peter Horrebow lodged in the same house at Columbo with this deponent; that he, this deponent, saw at the house a number of people of both sexes, which he understood belonged to the said P. Horrebow; that at different times he may have seen to the number of thirty or forty of different ages, men and women of perhaps twenty years of age, to children of five or six; that it was the current report at the time in Columbo, and this deponent himself believed, and still doth in his conscience believe, that the people aforesaid were brought by the said Peter Horrebow for sale: and this deponent further saith, It was also reported at Columbo, and generally believed, that the said Peter Horrebow had made an offer to sell the said people first to the Dutch governor at Columbo, who refused purchasing them himself, but at length upon, as deponent understood, the production of some Danish papers by the said Peter Horrebow, the governor, gave him leave to sell them to the

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the natives, which it was said he did, to the number of one hundred and upwards: that he, this deponent, cannot give any positive evidence of the facts, this deponent only speaking from hearsay, except as to having seen an unusual number of people of both sexes, who from their appearance and situation, and from the report which was so currently spread and believed in the place and at the time, he, this deponent, then thought and believed, and still does think and believe, to have been for sale; that one day he, this deponent, was standing in the house aforesaid at Columbo, in which he and the said Peter Horrebow lodged, and saw two or three of the natives of Columbo in earnest conversation with the said Peter Horrebow, and several of the people in question ranged at a little distance from them; and saw the natives aforesaid offer gold mohurs to the said Peter Horrebow, from which he believes the said Peter Horrebow at that time to have been bargaining with such natives of Columbo for the sale of the people.

(signed) *John Peters.*

Sworn the 1st day of June 1789, before me,
(signed) *J. Hyde.*

N° 7.

Fort William, in Bengal.—*Hugh Moore*, second officer of the snow Charlotte, maketh oath and saith, That he was at Columbo in the month of February, that the Friendship, Peter Horrebow, commander, arrived at that port about the 28th of that month, or the 1st of March; that previous to the Friendship's anchoring, it was supposed to be her from the many people that were upon her decks, it having been reported at Columbo, that she had touched at Point de Gall, and had a cargo consisting partly of slaves; that Captain Stephenson, who was then on board, and commanded the Charlotte, ordered one of his officers to go on board the Friendship (which he knew had come from Bengal), to inquire for letters; that the chief officer of the Charlotte, Mr. John Ramsay, accordingly went on board the Friendship, and on his return reported that there were no letters, but that she was come from Bengal, and had a cargo consisting of slaves, rice, and piece goods: this deponent further saith, That it was observed that the Friendship remained in the harbour for several days, without seeming to unload or discharge any part of her cargo, the reason of which was said to be, that the small pox had broke out amongst the slaves, and that on that account the governor of Columbo would not permit them to be landed. That he, this deponent understood that the governor for some time objected strongly to let any of the slaves on shore, but that afterwards he sent on board some of the surgeons of the garrison, to examine the state of their health, and at last gave the said Peter Horrebow a sort of tacit permission to land the slaves, and sell them to the natives; that he, this deponent, after such permission was given, saw boats coming daily off from the shore with natives, and several European gentlemen of the place, who went on board the Friendship, and who did so, as this deponent was informed by Mr. Greenway, the chief officer of the Friendship, for the purpose of purchasing the slaves; that during the time this deponent was at Columbo, whenever he had occasion to be on shore, he lodged in the same house with the said Peter Horrebow, and very frequently saw numbers of these slaves about the said Peter Horrebow's apartments; that this deponent and the other gentlemen who lodged in the house were very much incommoded by the number, noise and filth of the slaves; that this deponent was two or three times on board the Friendship, and every time saw several people of both sexes and of different ages, who had to him the appearance of being in wretchedness and poverty, and that he was told by the said Mr. Greenway that they were slaves, and that the said Peter Horrebow had at first intended to carry them to the Mauritius, but had changed his mind, and brought them there for sale; that of such as this deponent saw, the males appeared to be very young, but that among the females there were several women that appeared to be twenty-five or thirty years of age; that the said Mr. Greenway also informed this deponent, that between thirty and forty of the slaves had died on the passage from Bengal of the small pox; that the second officer of the Friendship, whose name is Ellison, or Helson, also informed this deponent, upon his inquiry, as to where they had taken the slaves on board, that the ship dropped down from Calcutta to Fultah; that he, the said Ellison, or Helson, was left behind for the purpose of conveying the slaves from Chandernagore, from whence many of them were embarked on board the Budge Row, and so conveyed by the said Ellison, or Helson, to the ship; that they passed Calcutta in the night, during which time the slaves were very riotous: And this deponent further saith, That whilst he, this deponent, was at Columbo, he one day saw a parcel of

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arrack, which he conceived might be for his own ship, the Charlotte, but that upon inquiry, he was told it belonged to Captain Horrebow, and had been received by him in exchange for slaves. And lastly, this deponent saith, That from the several circumstances aforesaid, this deponent does verily and in his own conscience believe, that the people of both sexes hereinbefore mentioned and alluded to were brought by the said Peter Horrebow to the port of Columbo aforesaid, to be sold, and many of them, he likewise believes, were sold by the said Peter Horrebow for slaves. (signed) *Hugh Moore.*

Sworn, this 1st day of June, 1789, before me,
(signed) *J. Hyde.*

N° 8. Fort William, in Bengal.—*John Ramsay*, chief officer of the snow Charlotte, maketh oath and saith, That he, this deponent, was at Columbo in February last; that Peter Horrebow, the commander of a certain vessel called the Friendship, arrived about the latter end of that month, or the beginning of March, at the said port of Columbo; that upon the said vessel's coming to anchor, this deponent went on board of her to inquire for letters, and asked the chief officer what cargo was on board, who told this deponent that they had slaves, rice, and piece goods; that the slaves were brought from Bengal, and were in number about 140 or 150; that this deponent saw a number of people upon the decks and in different parts of the ship, which he understood from the chief officer were the slaves he spoke of, and were the property of Captain Horrebow; that they were of both sexes and of different ages, some grown up and others children, but all young; that the name of Captain Horrebow's chief mate is Greenway; that he, this deponent, was three or four different times on board the Friendship at Columbo, and each time saw several of the slaves of both sexes, but observed that the number diminished from time to time, and that the last time he was on board there were but very few left; and that he understood from the said Mr. Greenway, that those who had been taken from on board had been sold, and that the general price was from 90 to 100 rupees each: And this deponent further saith, That he has often seen the Friendship's boat going on shore from the ship, and observed that she often had five or six, or perhaps more of these slaves on board, but returned to the ship without them. And lastly, this deponent saith, That from the several circumstances aforesaid, this deponent does verily and in his conscience believe, that the people of both sexes hereinbefore mentioned and alluded to, were brought by the said Peter Horrebow to the port of Columbo aforesaid, to be sold, and many of them, he likewise believes, were sold by the said Peter Horrebow, for slaves.

(signed) *Jhn Ramsay.*

Sworn this first day of June 1789, before me,
(signed) *J. Hyde.*

To Messrs. Motte and Maxwell, Superintendents of the Police.

N° 9. Gentlemen:—The Governor General in Council having reason, supported by several evidences, to request that Mr Peter Horrebow, commander of a ship or vessel, named the Friendship, did, when he was quitting this port, or proceeding out of the Bengal river, at the beginning of the present year, take on board, or cause to be taken on board, a number of children and other persons, natives of these provinces, whom he had purchased with a view to profit by them, and that when upon or near the island of Columbo, he did actually dispose of all or many of such children or other persons so purchased or procured, for money or considerations by which they were to become the slaves or property of the person or persons to whom they were made over, and proceeding evidently contrary to the principles of humanity and to the regulations of every civilized government, you are hereby directed to apprehend the said Peter Horrebow, and to deliver him over forthwith to the town major, acquainting Mr. Horrebow at the same time with the complaint against him. I am, &c.

Council Chamber, 1st June 1789.

Read a letter from the Superintendent of the Police.

N° 10. Sir:—The necessary orders have been given to apprehend Mr. Peter Horrebow, as directed by the Right honourable the Governor General in Council.

I am, &c.

June 1st, 1789. (signed) *Edwd Maxwell.*

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N° 11.

Read a letter from Captain Horrebow, to Earl Cornwallis, K. G. Governor General in Council, &c. &c. &c. Fort William.

My Lord,—From your Lordship's well-known character for justice and clemency, I venture to throw myself on your sufferance, trusting implicitly to your decision of my cause.

Your Lordship will perceive from the name subscribed, the person who has the honour to address you has unfortunately most severely fallen under your displeasure. I will not attempt to defend a conduct which *I now fully understand* is reckoned highly criminal under the British government, nor will I plead total ignorance without producing some proof. Your Lordship may, perhaps, have heard I was born a Dane. I went early in life to sea, and though I was frequently on board of English vessels, it afforded me no further opportunity of being acquainted with the customs of your nation than that of learning the language; the force of habit must be allowed to be great among men. Knowing it was no crime under our Danish laws, I did not imagine your legislature was different; I signed contracts with th s government, and which I really thought were to be considered as the limits of the restrictions the Company found necessary to each. In these I cannot find a clause prohibiting the trade I entered into; unfortunately for me, it has been restrained by some fixed laws, I was totally unacquainted with. From these circumstances, and other considerations I shall hereafter offer to your Lordship's notice, I hope, if the nature of my offence is not past forgiveness, to experience your Lordship's clemency.

I understand you have a power to send all persons from this country, whose conduct may have been obnoxious. I beg leave humbly to inform your Lordship I am married, have a child totally depending on my industry, and am myself at that advanced period life, when the more active exertions of the body are nearly too much, add to which, all the fortune I have is dispersed through India, and will require some trouble to collect. If I merit *ruin*, *unpitied* let me suffer; but I rely more on your humanity, than to suppose you will for a moment deviate from your known character.

I trust your Lordship will inform me of the mode I am to be proceeded against, and, if possible, admit me to bail; as the body, when liberated, gives strength and spirit to the exertion of the mind.

I have, &c.

Fort William, 20th June 1789. (signed) *Peter Horrebow.*

Agreed, That Captain Horrebow be released from his present confinement, upon giving bail in two responsible persons who are British subjects, for his appearance before the Governor General in Council, when required.

Extract, Bengal Public Consultations. 10th June 1789.

THE following letter was received from Mr. Horrebow on the 3d instant, and it was agreed to accept the bail offered by him for his appearance before the Governor General in Council, when required. The Company's attorney was informed accordingly, and directed to make out the bail bond; and he was at the same time furnished with an order to the town major for the release of Captain Horrebow as soon as the bonds were executed.

N° 17.

My Lord,—As I have not yet been favoured with an answer to the application I had the honour of forwarding to your Lordship in council yesterday, I beg leave to add, I propose Mr. Charles Cockerell and George Tyler as bail for my answering to the charges brought against me, if your Lordship should think it expedient to allow me my liberty.

I have, &c.

Fort William, 3d June 1789. (signed) *Peter Horrebow.*

The following letter was received from Captain Horrebow on the 5th instant.

N° 18.

My Lord,—It is with pain I again intrude on your Lordship's time, and more particularly since this application may, under my present circumstances, in itself condemn me for having already too far trespassed on your time by giving in the names of two gentlemen for bail, without having previously their assent thereto.

Under the heavy weight of imprisonment and the dread of the loss of the protection of your Lordship's government, and the deepest sense of the support and assistance which I had in consequence of recommendations to Messrs. C. Tyler and Cockerell, already received from them, I confess I presumed too far, by mentioning their names without reflecting on the possible discredit and imputation which

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gentlemen in the Company's service under this government might be subjected to from the malevolent, by their names appearing upon record as bail for a person situated as I am. Upon more mature reflection, I am convinced that Mr. Tyler and Mr. Cockerell might lay themselves open to such malevolence were they to become my securities, and I presume that those motives alone have occasioned their declining to become bail for me; I am therefore necessitated to propose Mr. William Hallings and Mr. John Pollard, and I trust in your Lordship's clemency for my enlargement on their entering into the necessary bonds.

I have, &c.

Fort William, 5th June 1789. (signed) *Peter Horrebow.*

Ordered, That a copy of this letter be sent to the Company's attorney, with instructions to inquire and report upon the competency of the bail now offered by Captain Horrebow for the sum of ten thousand rupees each.

Extract, Bengal Public Consultations, 19th June 1789.

THE Secretary reports, that in consequence of directions received yesterday from the Governor General, he sent notice to the Company's attorney, that Captain Horrebow, now in confinement in Fort William, was to be indicted during the present assizes, in the Supreme Court, upon the charge against him.

Extract, Bengal Public Consultations, 26th June 1789.

THE Company's attorney having reported to the secretary, that the attorney employed by Captain Horrebow, now in confinement in Fort William, had given notice that his client was prepared to surrender himself, orders have been issued by the Governor General's directions for the release of Captain Horrebow, upon his giving security to appear and plead to the indictment upon which he is to be tried in the Supreme Court, in consequence of the bill found against him by the grand jury, and it was agreed that the security he had before offered, in Mr. Pollard and Mr. Hallings, should be accepted for this purpose.

Extract, Bengal Public Consultations, 22d July 1789.

THE Governor General in council having had under his serious consideration the practice which has subsisted for several years, notwithstanding the prohibitory regulations of government, of exporting natives from this country to be slaves in other parts of India, his Lordship, determined to prevent the continuance of such an abuse by every means in his power, directs that the following Proclamation may be made in the usual manner, and published in the English and country languages.

PROCLAMATION.

WHEREAS information, the truth of which cannot be doubted, has been received by the Governor General in council, that many natives and some Europeans, in opposition to the laws and ordinances of this country, and the dictates of humanity, have been for a long time in the practice of purchasing or collecting natives of both sexes, children as well as adults, for the purpose of exporting them for sale as slaves in different parts of India or elsewhere: And whereas the Governor General in council is determined to exert to the utmost extent the power and authority vested in him, in order to prevent such practice in future, and to deter, by the most exemplary punishment, those persons who are not to be otherwise restrained from committing the offence, his Lordship hereby declares, That all and every person or persons subject to the jurisdiction of the Supreme Court, or in any respect to the authority of this government, who shall in future be concerned directly or indirectly in the above-mentioned inhuman and detestable traffic, shall be prosecuted with the utmost rigour, in the Supreme Court, at the expense of the Company, and if British born subjects, shall be forthwith ordered to Europe; or if such person or persons be not subject to the court's jurisdiction, he or they, upon information being given to the magistrate of the place or district in which the offence shall have been committed, shall be apprehended by him and kept in confinement, to be dealt with according to the laws of the country.

And also, that no one may plead ignorance hereof, the superintendents of the police for the town of Calcutta, and the magistrates of Adawluts in the several parts of the country, are hereby required to give immediate notice of this proclamation in

such

such manner as shall render the knowledge of it universal to persons of all descriptions, and to repeat the same on the first day of January in every year; they are further directed to pay the strictest attention to the regulations contained in it, and to take the most active steps in their power to enforce them.

And that all persons offending against this proclamation may be brought to punishment for the same, and the unhappy sufferers rescued from misery, a reward of one hundred sicca rupees is hereby offered for the discovery of every offender, to be paid on his conviction before the Supreme Court of Judicature, or before the magistrate of the district, and of fifty rupees for such person of either sex who shall be delivered from slavery, or illegal confinement, in consequence of such discovery. The money will be paid to the informer or informers on his or their application to the secretary of government, and presenting to him a certificate of the conviction of the person or persons committing the offence, of which such informer or informers made discovery.

The Governor General in council further recommends to British commercial houses and private merchants, to assist, as far as depends upon them, in carrying these regulations into effect, by taking the most effectual means in their power to prevent the commanders of their ships or vessels, or of ships or vessels consigned to them, or otherwise placed under their directions, from carrying away natives of this country in order to sell them for slaves.

The master attendant of this port is hereby forbidden to grant in future an English pilot to any ship or vessel, the commander of which shall not have previously declared upon oath that there are not then on board, and he will not during his continuance in the river, consent to receive on board, any natives to be exported as slaves, with an intent to dispose of them at some foreign place, or whom he (the commander) has any reason to imagine will be disposed of as such after they leave this country.

And the master attendant is hereby directed to give notice to all the native pilots, that if they should pilot out any vessel, having on board natives of this description, knowing or believing them to be such, the privilege of piloting will be taken from them for ever, and their names and offence registered. And that no one may plead ignorance of this order, it is hereby directed that it be placed constantly in view at the Banksaul, in the English and country languages.

Proclaimed at Fort William, in Bengal, this 22d day of July 1789.

By order of the Governor General in Council,

(signed) *E. Hay*, Secretary to the Government.

Extract from the Calcutta Gazette, Thursday, 30th July 1789.

(Published by Authority.)

ON Monday last the trial of Captain Peter Horrebow, on an indictment on the prosecution of the Company, for assaulting and forcibly carrying to the Island of Ceylon, and there selling natives of this country as slaves, came on before the Judges of the Supreme Court. It appeared by evidence on the trial, that Captain Horrebow, some time ago, obtained permission from this government to sail as owner and commander of the Friendship, under English colours, and with an English pass, and executed certain covenants with the Company in both those capacities, to entitle him to such indulgences; that in January last, Mr. Ellison, second mate of the Friendship, together with a seaman, were sent by Captain Horrebow to Chandernagore, in a pinnace budgerow for the purpose of taking from thence a number of slaves that had been procured by a Monsieur Reiny, an inhabitant of Chandernagore. That slaves, males and females, to the number of 130, some as old as twenty, but the majority from eight to sixteen years, were put on board the said budgerow, and proceeded down the river to Fultah, where they went on board the Friendship; that a few days after, Captain Horrebow came on board, and sailed, with an intention of going to the Island of Mauritius, but that soon after they were at sea, many of the slaves fell sick, and twenty of them died, though it did not appear from any ill treatment on the part of Captain Horrebow; on the contrary, it was given in evidence that they were well clothed and fed whilst on board. In consequence of this disaster, and the noisome stench and offensive condition of the ship, Captain Horrebow changed his destination, and went to Columbo, on the Island of Ceylon, where they were landed and sold as slaves.

Three points were argued in this case; first, whether Captain Horrebow was subject to the jurisdiction of the Supreme Court; second, the forcibly and unlaw-

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fully taking away the natives of this country, against their consent; and third, selling them as slaves at Columbo. The Advocate General, on the part of the prosecution, proved that Captain Horrebow, in the month of January, had a house in Calcutta, and that during his absence his wife and family continued to reside in Calcutta; that he entered into covenants with the Company as a subject of His Majesty, and that he sailed under British colours, and was thus situated when the cause of complaint arose, and therefore subject to the jurisdiction of the Supreme Court. The learned advocate quoted an opinion of the twelve Judges of England, in 1707, from Foster's Crown Law, viz. "If an alien seeking the protection of the Crown, and having "a family and effects in the King's dominions, should, during a war with his native "country, go thither and adhere to the King's enemies for the purposes of hostility, "he must be dealt with as a traitor. For he came and settled under the protection "of the Crown, and though his person was removed for a time, his effects and "family still continued under the same protection."

If therefore an alien enemy, under such circumstances, could be tried for treason, which was an offence of the highest nature, *à fortiori*, Captain Horrebow would be liable to be tried by this court for a misdemeanor.

On the part of the defendant, it appeared that he was a Dane by birth, that the slaves had been purchased at Chandernagore; that they were taken from thence without stopping at all in Calcutta, but went down on the opposite side of the river, until they came near the New Fort, when, on account of a sandbank, they were obliged to cross over to this side. It was contended, therefore, that the offence was not committed any where but at Chandernagore, and upon subjects of the French King, owing no allegiance to the King of Great Britain, and therefore the court had no jurisdiction in this case.

The evidence was summed up with great accuracy and ability by Sir Robert Chambers, who was of opinion, that Captain Horrebow was subject to the jurisdiction of the court, as well by the rule laid down by the Judges, as reported by Foster, as from the offence being actually committed in Calcutta, from the budgerow, in which the natives were confined, having come within the limits of the jurisdiction of the Court. The jury retired for a short time, and brought in their verdict, guilty.

The trial lasted till nine o'clock at night; counsel for the prosecution, the Advocate General and Mr. Simpson; attorney, Mr. Jackson. For the prisoner, Mr. Ledlie and Mr. Atkinson; attorney, Mr. Raban.

The prisoner was admitted to bail, and Wednesday next fixed by the court for pronouncing sentence.

The late humane proclamation of government will, it is to be hoped, put an effectual stop to this odious and detestable traffic.

Extract from the Calcutta Gazette, Thursday, August 6th, 1789.

(Published by Authority.)

YESTERDAY Captain Horrebow was brought before the Supreme Court to receive his sentence. Three affidavits were produced by the counsel for the prisoner in mitigation of judgment; one of Captain Horrebow, one of Mr. Bie, brother to the governor of Serampore, and a third of Mr. Trail. Captain Horrebow deposed, that he was ignorant that the carrying away slaves from Chandernagore was illegal or improper, and that if he had known it to have been so, he would not, either for lucre or any other consideration, have been engaged therein; that slaves had been sold publicly by auction in Calcutta.

That he verily in his conscience believed, that the people he carried to Columbo, and who were sold there, preferred the situation to that of remaining in this country. That a great number of them were nearly starved when they came on board, and that many died owing to their eating too voraciously. That he had treated them with all possible humanity and kindness. He further set forth, that he had lost 1,400 rupees upon the voyage, and was in distressed circumstances, his imprisonment having prevented him from looking after his affairs and disposing of his cargo.

Mr. Bie deposed, that he had known Captain Horrebow for twelve years; that he was a native of Denmark, and descended from one of the most respectable families in that country. That his father was one of the Judges of the Supreme Court of Denmark, a post of high rank and honour; that his mother was the daughter of Major General Furnun, in his Danish Majesty's service.

That

That he had sailed from India to England in the Providentia in 1783, then commanded by Captain Horrebow, and that he knew him to be a man of great humanity, and of excellent character; and he verily believed, that if Captain Horrebow had known that the carrying slaves from this country to any other for sale had been illegal or improper, that he would not have been engaged therein.

Mr. Trail deposed, that Captain Horrebow had assigned the whole, as he believed, of his property to the house of Messrs. Paxton, Cockerell and Co. in trust for the benefit of his creditors, and that, to the best of his belief, the property would not be sufficient to pay his creditors.

Every argument that could be urged in mitigation of sentence, was very ably brought forward by Captain Horrebow's advocates, Messrs Ledlie and Atkinson.

The Advocate General informed the court, that in consideration of what had been stated by Captain Horrebow, in a letter to the Right honourable the Governor General, similar to his affidavit, and of his having been confined some time previous to his trial, and of the late precaution which had been taken by government to prevent the possibility of the commission of a similar offence in future, he had been instructed not to press their Lordships for a severe punishment.

Sir Robert Chambers, in delivering sentence, stated, that in cases of misdemeanor it was usual for the court to consider the willingness of the prosecutor to remit the severity of the punishment, for this reason, as well as from what had been stated by Captain Horrebow, and the arguments used by his counsel in mitigation of his offence, the court were inclined to excuse the corporal part of the punishment, but that, although the punishment would be alleviated, yet for a crime of so heinous a nature it was not to be nominal. In expatiating upon the circumstances of the offence, the learned Judge mentioned the only cases in which slavery was lawful under the Mahomedan government.

Infidels taken prisoners in war, fighting against Mussulmans, were considered as the slaves of the captors, and the slavery extended to their children. In cases of famine publicly declared, it was lawful for farmers to sell their children, and persons of more than 15 years of age might sell themselves to obtain a subsistence. But, that in these four cases, the only existing ones under the Mahomedan government, the condition of slavery was put under many legal restrictions, and that it was unlawful for a Mussulman to sell his slave. That the exportation of subjects of a Mussulman government to be sold to a state of slavery was unknown; and he believed, as Mr. Atkinson had said, that it was the first time such an offence had been committed under the British flag, and he trusted it would be the last. He wished it to be understood, that if a similar offence should ever unhappily be again tried before the court, the punishment would be more severe.

Captain Horrebow was sentenced to be imprisoned for three months, to pay a fine of five hundred rupees, and to give security for his future good behaviour for three years; himself in a bond of ten thousand rupees, and two sureties in five thousand rupees each.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal in the Public Department, dated 28th April 1790.

Letter from the Government, dated 10th August 1789, (97 a 100), Prosecution of Captain Horrebow for transporting to Ceylon a number of the Natives of Bengal, and selling them for Slaves.

Par. 151 —YOUR conduct in apprehending and prosecuting to conviction Captain Horrebow, for transporting a number of natives of Bengal to the Island of Ceylon, and there selling them for slaves, has received, as it merits, our warmest commendation and applause. As Lord Cornwallis has informed us, that he has under consideration a plan for the abolition of this traffic (if possible), we shall forbear to enlarge further upon the subject until we receive such plan.

EXTRACTS from the Calcutta Gazette, 17th September 1789, relative to the cruel Treatment of a Slave Boy by a Portuguese named Argutty, and to the Prohibition of the Traffic in Slaves by the French Government of Chandernagore.

Extract from the Calcutta Gazette, Thursday, 17th September 1789.

(Published by Authority.)

Yesterday forenoon the coroner's inquest was held on the body of a slave boy, about twelve or fourteen years of age, named Jack, supposed to have been murdered by his

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master, one Lewis Argutty, a native Portuguese, who has been for some time past employed by a gentleman of Calcutta as a monthly writer. On the examination of the witnesses taken at the inquest, it appeared that the slave boy had lately complained to Mr. Motte, on account of the very severe and cruel manner in which he was treated by his master, which complaint appearing to be well founded, Mr. Motte desired the boy to consider himself no longer a slave, nor the servant of Argutty; but in consequence of the application of the gentleman with whom Argutty was employed, and to whom he had all along appeared a mild and humane young man, the boy was returned to his former master, who, at the same time, promised him more lenient and becoming treatment. When the coroner attended yesterday, he found the body lying on the floor in Argutty's house, and a very slight examination was sufficient to demonstrate that the boy had been strangled.

Suspicions naturally arose against Argutty, who had absconded on Monday, and from several other concurring circumstances, no doubt remained that Argutty was guilty of the murder.

We understand Monsieur Montigny, governor of Chandernagore, has lately issued a proclamation prohibiting all persons within the jurisdiction of the French government from purchasing or transporting any of the natives of these provinces as slaves, and in order more effectually to prevent this infamous practice, a reward of 40 rupees is offered to any person who shall give information of the offender, besides the sum of 10 rupees to be given to each slave who shall be released in consequence. Both sums to be paid by the offender.

The master attendant of Chandernagore is also directed to see that no native be embarked without an order signed by the governor; and all captains of vessels trading to the port of Chandernagore are strictly prohibited from receiving any natives on board.

Nothing can reflect greater honour on the humanity of Monsieur Montigny, and the liberal policy of the French government, than the above order; and we have no doubt this earnest co-operation with the measures already taken by our own government, will put an effectual stop to this odious and detestable traffic.

PAPERS relative to the Liberation, by order of Government, of some Native Children detained as Slaves by Mr. Borel, a Swiss officer, 1789.

Extract, Bengal Public Consultations, 16th September 1789.

Read a letter from the superintendent of the police.

My Lord:—ON information we have apprehended four boys and four girls in the house of Mr. Borel, a Swiss officer, in the service of the Dutch at Columbo. Others are said to be on board a vessel named the Charlotte, Captain Clement, in Mr. Tyler's employ. Mr. Borel and Captain Clement deny that any children are, with their knowledge or consent, on board the Charlotte. Mr. Borel says he purchased six of them in Calcutta, as servants for himself and officers; the other two are the property of Mr. Milliat from Chandernagore. He declares he did not know there was any impropriety in the purchase, which was made without concealment. Mr. Borel commands the Courier now in the port.

The children are in general from the Dacca districts. Enclosed is the particular account given by themselves.

The informant also says, that a number of children are now at Miapoor, waiting for the vessel to take them up.

We request your Lordship's orders respecting the further steps we are to take, and remain, &c. (signed) *T. Motte.* *Edw. Maxwell.*

Police Office, 14th September.

Extract of Proceedings of the Police Office.

Four boys and four girls are taken at Captain Borel's house.

Ram Sona, nine years of age, says she has been a month in Calcutta; that a Mussulman brought her from Gurreah Haut, and sold her to a woman, who sold her to Mr. Borel.

Munglia, ten years of age, says he has been a month here; that an Armenian brought him from Dacca, sold him to a Portuguese, who sold him to Mr. Borel.

Pedro, six years; six days here; a Portuguese cook brought him from Amiatulla, and sold him to Mr. Borel.

Khirun,

Khirun, 12 years of age; one month here; her brother brought her from Ordupore, sold her to Flora, who gave her to Borel.

Paunchoo, six years of age; seven days in Calcutta; brought from Charmall by a Portuguese cook, and sold to Mr. Borel.

Subbee, nine years of age; ten days in Calcutta; brought from Ramnuggur, towards Dacca, by an European, who gave her to Borel.

Flora, alias Umba, nine years of age; one month in Calcutta; brought from Kutbureah by a man who bought her of her mother, who sold her to a cook, who gave her to Mr. Borel.

Ramezannee, 12 years of age; five days in Calcutta; brought from Garreedurpoor, near Paurampoor, and sold to Mr. Milliat at Chandernagore, who sent him to Mr. Borel.

(A true copy.) (signed) *Thos. Motte.* *Edward Maxwell.*

Ordered, That the superintendents of police be acquainted that the slaves apprehended by them in the house of Mr. Borel, are not to be returned to him until he shall have made an affidavit, that he has no intention of exporting them, or of disposing of them to be slaves in other parts of India, the same being contrary to the late proclamation.

Ordered further, That they be desired to consult the master attendant, and with his assistance, to adopt such measures as may appear most proper, to ascertain whether any slaves have been conveyed on board the Charlotte and Courier, or whether the information in regard to the children at Miapore be true. In the event of any being found, they are to take charge of them; and after having obtained every account that they may deem necessary respecting them, they are to transmit a narrative of their proceedings for the information and orders of government.

Extract, Bengal Public Consultations, 25th September 1789.

THE following letter was received from Mr. Borel on the 24th instant, and leave was granted for his taking with him to sea two of the children therein mentioned, on his making affidavit that they should neither be treated as slaves, nor sold as such.

To Edward Hay, Esq. Secretary to Government.

N° 25.

Sir:—Being informed that Mr. Motte is not at liberty to restore to me the eight children that were taken at my house, without the sanction of Lord Cornwallis, I request you will lay this my petition before his Lordship, which is only to beg that I may be allowed to take two of the children only, to wait upon me as servants on board, on my declaration that they shall neither be treated as slaves nor sold as such.

I have, &c.

Calcutta, 24th September 1789. (signed) *C. Borel.*

PROCEEDINGS relative to some Children who were clandestinely carried on board the Hero off Calcutta, for the purpose of being enslaved, 1789.

Extract, Bengal Public Consultations, 30th October 1789.

THE following letter and its enclosure were received from the master attendant on the 26th instant.

To Edward Hay, Esq. Secretary to the Government.

N° 10.

Sir:—I beg leave to inform you, that yesterday morning a woman, named ——— came to the Marine Office, and with lamentations complained that her son Jumon had been enveigled on board the grab snow, Hero, and was there detained contrary to his own inclination; at same time a man asserted, that many children besides were on board the same vessel. As the Hero had before this applied for her pilot, and had got him on board, had actually left town, and was proceeding down the river with a fair wind, I found there was not a moment to be lost, no time to apply to government for a formal order, or she would have got beyond reach, therefore took upon myself to dispatch a boat away with an order to her pilot, that if any natives were on board besides her ship's company, who were detained there against their inclination, not to proceed with the vessel unless the commander of her sends up all such natives as have been thus enveigled away. The consequence has been, that the boat has returned with four boys and two girls who were on board, exclusive of the ship's company. Those unfortunate people I have

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delivered over to the police office. The police officers, Messrs. Motte and Maxwell have wrote me this day, that on examination of the four boys and two girls sent by me to their office, it appears that the serang alone has been in fault; and that the captain and officers of the snow were not privy to their detention on board; and they think it will be necessary for the serang to be sent for. Is it his Lordship's pleasure that I shall dispatch a boat away with an order to send the serang up, should the snow not have got beyond our reach? If so. may I request an official order from you to Captain Cockburn of the grab snow, Hero, or in his absence, to the commanding officer, to this purpose. I have, &c.

(signed) *Cudbert Thornhill*, Master Attendant.

Marine Office, 26 October 1789.

To Cudbert Thornhill, Esq. Master Attendant.

N° 11. Sir:—On examination of the four boys and two girls sent by you, it appears by their account, that the serang alone has been in fault, and that the captain or officers of the ship were not privy to their detention on board. We think it will be necessary for the serang to be sent for. We are, &c.

Police Office, 26 October 1789. (signed) *T. Motte. E. Maxwell.*

Upon the receipt of the above letter, a requisition was sent to the grab snow, Hero, in the following terms, and the letters which will be entered after it, were written to the superintendents of the police and master attendants.

Captain Cockburn of the Grab Snow, Hero, or to the Officer commanding on board.

N° 12. Sir:—There being reason to suppose, upon the examination that has been made relative to the four boys and two girls, who were yesterday brought from the vessel under your command, that the serang belonging thereto has been to blame for their detention on board, I am directed to require that he may be immediately delivered over to the superintendents of the police, that an inquiry may be made into his conduct. It is proper to acquaint you, that upon your failing to obey this requisition, the pilot on board the snow will be directed to leave it.

Council Chamber, 26 October 1789. I am, &c.

Messrs. Motte and Maxwell, Superintendents of the Police.

N° 13. Gentlemen:—The master attendant having forwarded to me your letter of this date, I have submitted it to the Governor General in council, who has directed me to transmit to the commander of the grab snow, Hero, the enclosed requisition, and to desire that you will send proper persons with it immediately on board the snow, that the serang may be brought into your presence, and examined relative to the detention of the four boys and two girls mentioned in your letter to the master attendant, who will order one of the peons of his office to proceed with yours, to point out the vessel. A copy of my letter to the commanding officer on board the Hero is enclosed. I am, &c.

Council Chamber, 26 October 1789.

Cudbert Thornhill, Esq. Master Attendant.

N° 14. Sir:—I have received your letter of this date, enclosing one from the superintendents of the police, to whom orders have been given to send people on board the grab snow, Hero, to bring the serang into their presence, that he may be examined respecting the four boys and two girls, mentioned in the letter from Messrs. Motte and Maxwell; you are to direct one of the peons to accompany their people, in order to point out the vessel

I inclose a copy of the order which has been sent to the commanding officer on board the Hero, that you may give the necessary instructions to the pilot, in conformity to the intimation in the last part of it.

Council Chamber, 26th October 1789. I am, &c.

N° 15. Read a letter from Capt. Cockburn to Edward Hay, Esq.

Sir:—I have just received your letter, and, according to your order, have delivered up the serang; and I am, &c.

27th Oct. 1789. (signed) *M. Cockburn.*

Extract, Bengal Public Consultations, 11th November 1789.

N° 22.

Read a letter from the superintendant of the police.

My Lord,—WE have the honour to send the examinations taken by us, at Mr. Hay's desire, respecting the decoying some persons on board the snow Hero, with intentions to carry them away.

Some of them were evidently taken improperly; others went willingly, and did not complain. The captain and officers of the ship do not appear to have had any knowledge of these acts.

The serang is in custody.

We also beg leave to send the examination into a complaint of a similar nature, by which it appears, Bodullah, the brother of the plaintiff, is actually carried to sea. The person who shipped him, Ruffee, serang, is employed to procure Lascars, &c. for ships, and must be well acquainted with the late proclamation; therefore more culpable. Moochnee keeps a muddal shop, and is said to have followed the business of a crimp for some time.

As Badoolah is not on the spot, stronger proof cannot be procured.

We are, &c.

Police Office, 5th Nov. 1789. (signed) *J. Motte. E. Maxwell.*

N° 23.

Examinations, 29th Oct.—Mahmud Bucksh against Imaumodin and Moochnee, for kidnapping his brother Badoolah on board ship.

They say he was starving, and they delivered him to Ruffee, serang.

Let him come.

Ruffee, serang, appears, and says, Badoolah went on board ship of his own accord; that he was willing, and Moochnee was his security.

Let him bring witnesses.

30th.—Buxoo says, his brother Badoolah was so far from starving, that he was an embroiderer, received from Rehimoo four rupees per month, and provisions.

Rehimoo must come.

31st.—Rehimoo deposes on oath, that Badoolah was his servant, as a journeyman embroiderer; that he gave him four rupees per month, and a piece of meal once a-day.

N° 24.

Police Office, 28th October 1789.—Captain Thornhill being informed some children were confined on board the snow Hero, sent Mr. Lock to examine. Mr. Gillespie, the commanding officer, mustered the crew, and found six persons, who said they were put on board without their consent.

Ioomun, fourteen years of age, says he is a cooly; that the serang sent him on board with a load, and detained him.

Utta says, the serang carried her on board without her consent.

Harroo, ten years of age, says he is a beggar; that he is not willing to go.

Saheboden was in the Hurrinbarry, for cutting a mat, and stealing cowries; he was delivered by the police to the captain of the ship.

Reshumer says, she was begging in the bazaar; that the serang seduced her on board.

Obda says, she has no father; that her mother spins for her livelihood; that the serang seduced her on board.

Wrote to Captain Thornhill, to send for the serang, and let the ship proceed on her voyage.

Burkutoolah is sent to fetch the serang of the Hero, snow.

29th.—Utta against Eesa, serang, for compelling her to go on board ship.

Utta deposes on oath, that Brijoo Serree gave her and Reshumee to Eesa, that he said he would marry her on board ship; that Brijoo Serree brought her from Kuderpoor, and said she would get her a husband; that she went willingly on board, that the serang gave her clothes, and that she did not complain to Mr. Lock.

Bring Brijoo Serree Rishmee, eight years of age; that she was begging in the Bazaar, near the British Connah, when Brijoo Serree picked her up, and gave her to the serang with Utta; that she got nothing on board but provisions; that she did not complain to Mr. Lock.

Eesa says, Utta and Rushmee were begging, that Utta said, take me with you, and marry me; that Utta brought Rushmee, and said she would adopt her.

Iooman deposes on oath, he is 15 years of age, that he was a cooly in Mutwa-buzar, that Eesa said, take my fish aboard, I will pay you two pice; that he promised him another pice when he got on board; that he went on board, and when he wished to return, the serang told him he had paid wages for him, to his father and

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mother; that the ship sailed; that his father's name is Munnoo; and that he was fetched on shore by order of his Lordship.

Munnoo deposes on oath, that a whore, who came from on board the Hero, told him his son was on board; that he received no money from any one on accountof his son.

Eesa says, that she was in search of a good lascar, when an old kussel said, go with me to Munnoo, that he went, and Munnoo said, shewing Ioomun, this is my son; that Eesa agreed to pay him three and a half rupees per month; that he gave him two rupees.

Bring the kussul and Chann serang.

Obdah, 10 years of age; that a man Jaffer brought him to Odbaroah, and gave him to the serang in Mutwabuzar, and suffered him to go about any where; that he gave him victuals and clothes; that 10 days after, he took him on board ship; that he never complained.

Harreah deposes, that he was begging in Calcutta, that Hussem Iindee carried him on board ship.

Sakeboden says, he was detected stealing cowries in Terettas Buzar, that a peon of the Hurrenbarry and another, carried him on board the ship.

30th.—Budderoden deposes, on oath, that he shipped 24 men for Chann Serang on the Hero, whose wages were paid by the captain to Chann, that Ioomun's wages were settled by his mother Paulingee, at 3½ per month, and that Eesa paid him a gold two anna piece as earnest, that the rest of the lascars were paid four months in advance; that a few hours after Eesa returned, and took Iooman, his mother; and this deponent went to the water side; that this deponent asked her if she had received more than two rupees, that she said she had received no more. That Eesa shewed Paulingee a gold mohur, and said, go with me to the Burrabuzar; and get change, I will pay you the rest; that Eesa bade this deponent take Ioomun on board, which he did.

Paulingee before said, she received nothing; she now says, the two rupees received of Eesa, were laid out in clothes.

Let Chann Serang come.

31st.—Chann Serang says, he shipped 24 men on the Hero, that Eesa and he received the money.

Police, 26th October 1789.—Ordered, That the superintendents of the police be desired to release the serang of the Hero, after acquainting him, that should he ever in future be guilty of the offence for which he was taken from the ship, he will be punished in the severest manner. The slaves have been given up.

Ordered, That the master attendant be informed of the fact charged against Ruffee Serang, and directed to acquaint him that he will be brought to justice, and severely chastized, if he should ever be again guilty of a disobedience to the order of government. The same information is to be conveyed by the superintendents of the police to Moochoree.

PROCEEDINGS relative to a case of Slavery under the Mahomedan law, upon which a decision was given in 1790, in answer to a reference from Mr. Seton, the magistrate of Bahar.

Extract, Bengal Revenue Consultations, the 20th August 1790.

Remembrancer to the Criminal Courts, to Edward Hay, Esq. Secretary General.

N° 6. Sir:—I AM directed by the Governor General to desire you will submit to the honourable Board the accompanying copy of a letter from the magistrate of Bahar, and obtain their orders or instructions in regard to the compensation for a murder, as stated therein, of which he has stayed the operation for the present.

Fouzdarry Department, 6th July 1790. I am, &c. (signed) *J. White*, R. C. C.

To Charles Earl Cornwallis, Governor General.

N° 7. My Lord,—Amongst the late orders from the Naib Nazim on the proceedings of the Foujdar at this station, there is one confirming an arrangement which appears to me so unjust in its nature, that I have taken it upon me to stay the operation of the order, until the particulars be made known to your Lordship, and your instructions in consequence received.

Two persons, by name Mungaly Khan and Assud Khan, having been convicted of the murder of Nowaz Khan, were ordered to make a pecuniary compensation to the plaintiffs, viz. Peranow, the widow, and Runam and Guny Rauj, the brothers of the deceased; but Mungaly Khan being unable to make such satisfaction, offered in lieu thereof, his only son, as a slave for life, to Peranow, who accepted the offer, which being confirmed by the Naib Nazim, will of course be carried into effect, unless your Lordship deem it expedient to interfere. The particulars are detailed at large in a narrative which I required from the Foujdar at this station, a copy and translation of which I have the honour to submit inclosed.

The apparent injustice of thus suffering an innocent young man to become the involuntary victim (for life) of his father's guilt, will, I trust, plead my excuse for an interference, which, strictly speaking, is not warranted by the regulations under which I act. I have, &c.

Gya, 24th June 1790. (signed) *A. Seton*, Magistrate.

A true Copy (signed) *J. White*, R. C. C.

Translation of the particulars of the case of Mungaly Khan and Assud Khan, now in confinement in the Foujdarry jail at Gya, for the murder of Nowaz Khan, at the instance of Peranow, the widow, and Runeem and Gudj Rauj, the brothers of the said Nowaz Khan, received from the *Seyd Iood Ali Toujidar at Gya.*

In the month of Zehedjeh, 1203 of the Hijerah, the proceedings in the cause above described were referred to Nowab Muzuffer Jung.

On the 5th of Jemmodiul Awul 1204, the Nawab's order arrived, directing a compensation to be made to the heirs of the murdered person. In conformity to the Nawab's orders, Mungaly Khan and Assud Khan were called upon to pay the price of blood. On the 23d Jummodiul Awul, Peranow, one of the above mentioned plaintiffs delivered in a razeenamah to this effect: "Mungaly Khan, being "unable to pay a pecuniary compensation, has given up to me his son, to be my "servant for life. And Assud Khan has given up to me, in satisfaction of the "murder, his share of the village of Caympoor." I therefore declare, that we have no further claim on them. On the same day, the other two plaintiffs, Kuneem and Gudj Rauj delivered in a razeenamah, declaring, that in consequence of the poverty and distress of Mungaly Khan and Assud Khan, they remitted their claim to a compensation. These particulars having on the same month been submitted to the Naib Nazim, he ordered the release of Mungaly Khan and Assud Khan. This order arrived on the 19th of Ramzaun 1204, Hijerah.

(A true translation.) (signed) *A. Seton*, Magistrate.

Agreed, the Naib Nazim be recommended not to admit of Mungaly Khan's making over his son as a slave for life to Peranow, and that he be requested to levy the amount of the compensation which it may be determined to exact from Mungalow Khan by the customary mode of process.

Agreed also, the magistrate be informed of the above resolution, and that he be acquainted the Board approve of his having suspended the execution of the Naib Nazim's sentence.

Proceedings respecting two Native Children purchased at Chandernagore by Monsieur Monier, 1790.

Extract, Bengal Public Consultations, 1st December 1790.

N° 14.

Read a letter as follows, from the superintendents of police.

My Lord,—WE beg leave to represent that two boys, named Buxoo and Soonawallah, have appeared before us, and stated that they had escaped from their master, Monsieur Monier, who had bought them at Chandernagore from two men, named Davis and Petit John. These last named had purchased them at Dacca, from a forigee called Panchoo, who carries on this infamous traffic; Davies and Petit John brought down these boys to Chandernagore, about one month ago, with a number of others, amounting in all to 60 males and females, which they dispose of as purchasers offer. We have the honour to be, &c.

Police Office, 30th Nov. 1790. (signed) *T. Motte. E. Maxwell.*

Agreed, That intimation of this complaint be sent to Mr. Mottett, the agent of the French nation in Bengal.

N. B.—No further proceedings respecting this complaint have been traced on the Bengal records of the years 1790 or 1791.

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PROCEEDINGS in 1791, relative to an attempt made by certain Frenchmen, to establish a traffic in Slaves from Bengal to the French Settlement of Pondicherry, which occasioned the loss of 30 lives; also relative to a Cargo of Slaves brought by some Frenchmen from the Andamans.

Extract of a Letter from the Governor General and Council of Bengal to the Court of Directors in the Foreign Department; dated 17th Aug. 1791.

Par. 18.—IN consequence of a request made to Lord Cornwallis, by Colonel Montigny, our secretary, by his Lordship's directions, wrote a letter to Captain Light, superintendent of Prince of Wales Island, on the 4th of January last, acquainting him, that it having been understood that when he was last in Bengal, or about to leave Prince of Wales Island, in order to visit Calcutta, an offer was made to him by Mons. St. Croix, an officer of a French merchant vessel, of some natives or others from the Andamans for sale, at the price of six thousand rupees; we wished to be furnished with an account of the particulars of this business, with attested copies of any letters or papers that had passed on the subject.

Consultation, 1st June.

Par. 19.—We think proper to transmit a copy of Captain Light's answer, a number in the packet, and to acquaint you that we have caused copies of it to be sent to Europe to Colonel Montigny, at whose request the application was made.

Par. 20.—Early in April last, the magistrate for Hidgellee division acquainted us, that a vessel, under French colours, having a number of slaves on board, was at Kedgeree; that more than thirty slaves who were on the way to her had been drowned off or near Channel Creek, and that there was a sloop on her passage down to Kedgeree, with an additional number of those unfortunate people.

Consultation, 15th April.

Par. 21.—Being resolved to take the most effectual measures to punish so daring a violation of the proclamation, which we thought proper to issue in July 1789, our first step was, to communicate the circumstance to Colonel De Canaple, with a request that he would give orders to liberate the slaves before the vessel left the river.

Par. 22.—Colonel Canaple acquainted us in reply, that he had received positive information, that the slaves to the number of thirty, had been stopped by Mr. Hewett, the magistrate at Hidjelee, that he therefore considered these slaves as being in charge of an officer of our government, and consequently as having regained their liberty; but that he would make the most particular inquiry into the business, and give us all the satisfaction in his power.

Consultation, 15th, 20th and 27th April, 6th May, 17th and 22d June.

Par. 23.—Our proceedings noted in the margin, will acquaint you with the orders we gave for taking care of these unfortunate people, as soon as they were released from the vessel, and placed under the protection of the magistrate at Hidjelee; they contain also other matter of some moment, connected with that subject.

Par. 24.—Mr. George Wheatley, a resident at Kedgeree, having been the means of discovering, and consequently of liberating the slaves intended to have been conveyed from hence, we granted him on his application, the reward promised in the proclamation, bearing date the 22d of July 1789, which amounted to the sum of sicca rupees 1,200.

Extract, Bengal Foreign Consultations, the 1st June 1791.

THE Secretary reports to the Board, that in consequence of Lord Cornwallis's directions, previous to his Lordship's departure from Bengal, he wrote the following letter, on the 4th of January last, to Captain Light, superintendent of Prince of Wales Island.

N° 1. (Copy.) Captain Francis Light, Superintendent of Prince of Wales Island.

Sir:—It having been understood that when you were last in Bengal, or about to leave Prince of Wales Island, in order to visit Calcutta, an offer was made to you by Mons. St. Croix, an officer of a French merchant vessel, of some natives or others from the Andamans, for sale, at the price of six thousand rupees, and the Board having occasion to be furnished with an account of the particulars of this business, and with attested copies of all letters or papers that passed on the subject, I am instructed to desire that you will be pleased to transmit the same to me, in duplicate, by the first opportunity that offers, after the receipt of this letter.

I am, Sir, &c. &c.
(signed) *E. Hay*, Secretary to Government.

Fort William, 4th January 1791.

The

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The secretary acquaints the Board, that the following reply to the above letter, was received yesterday from Captain Light, and that copies of it, in duplicate, as well as duplicate copies of the letter to that gentleman, have been sent to Mr. Vealar's to be transmitted to Colonel Montigny, at his request, and according to orders given in consequence by Lord Cornwallis.

To Edward Hay, Esq. Secretary to the Government.

N° 2.

Sir:—I have the honour to acknowledge the receipt of your letter of 4th January last.

Having seen Mr. St. Croix at this settlement, when in a small vessel from Pegue, on his arrival at Calcutta in January 1790; hearing I was there, he paid me a visit, and brought with him a young Caffree boy, a native of the Andamans, imagining it would be an agreeable sight to me to behold a native of that island, of whom so many fabulous accounts had been given.

In the course of conversation, Mr. St. Croix informed me, that having been searching round the Andamans for birds nests, he entered a large bay, and had landed several times without the natives offering to interrupt him, though he went up to their huts. On seeing a canoe, with four or five people, near a small island, he resolved to attempt to get possession of them, to effect which, he sent some people armed on shore upon the island, to prevent their landing; and in his boat he went after the canoe, and soon came up with her. The man in the canoe, upon their attempting to take him out, made a stout resistance, and was not secured until he was wounded and knocked down, when with a woman with child, and two boys, who were also in the canoe, he was carried on board Mr. St. Croix's vessel. The next day, a large party of the natives came off in boats, to attempt the rescue of their countryman. Mr. St. Croix informed me, that he killed two with his own fuzee, but what further destruction was made among them, he did not mention; he lamented that his people were poltroons, for had they been men of spirit, he could have caught a great number of them; that he had a cook who knew a little of their talk, and by his means, he could at any time inveigle them on board; that his intention was to get a large vessel, and return to the Andamans, where he made no doubt of being able to procure a cargo of Caffrees, that would sell exceeding well at the French islands.

On my asking him if he would sell the Andamanners he had taken, he said, that after the attack made by the natives, finding his people intimidated, he returned to Basseen I think, or Rangoon river, and sent his boat on shore; the Burman Government (the King of Ava laying claim to the sovereignty of those Andaman Islands) hearing that Mr. St. Croix had stolen some of the natives of those islands, seized upon the boats crew, and insisted upon his delivering them up, alleging, that with the same propriety he might come and steal them. But not complying with this demand, he observed to me, that he should be obliged to redeem his own people with a sum of money, and therefore he would not part with the Andamanners for less than six thouand rupees, which sum he thought equivalent to his loss of time and expense.

I mentioned the circumstance to Colonel Ross, and obtained through him permission from the Governor General to purchase them, if they could be obtained for a reasonable sum; I now sent in the evening to Mr. St. Croix, who came again with the young Caffree, and offered him three thousand rupees for each person; he said he would not take less than six thousand rupees, that he expected to make more of them from his countrymen as curiosities.

He sailed the same evening for Chandernagore, which put an end to the negociation. I have the honour to be, Sir, &c. &c.

Fort Cornwallis, 1st April 1791. (signed) *Francis Light.*

Extract, Bengal Foreign Consultations, 15th April 1791.

Read the following letter from the magistrate at Hedjelee.

To the Right honourable the Earl Cornwallis, Governor General and Members of the Supreme Council, Fort William.

N° 3.

My Lord and Gentlemen:—I HAVE the honour to lay before you extract of a note that has just been sent to me from Kedgeree, respecting the transportation from this country of some slaves in a vessel under French colours, and that there is a sloop on her passage down with 15 or 20 more on board. This information is given to me

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in a note from a man, by the name of George Wheatley, residing at Kedgeree, but as it is necessary by the 12th article of the late regulations for the administration of justice, that the information should be upon oath, I shall proceed to Kedgeree with the least possible delay, take his deposition, and use every effort in my power to obtain the release of such as may be in bondage. I am aware of the circumspection and caution that is to be used in making a requisition of this nature from a foreign flag; and I shall, if possible, delay urging it till I can be favoured with your instructions, with which I beg to be honoured, with the least possible delay. In case it should appear that there are natives on board, which, from circumstances, may evidently be intended for transportation, and that the commander of the vessel should decline or refuse liberating and giving them up, on remonstrance and requisition, and if fit, should be deemed necessary by government, to obtain their release by force, I beg to be instructed, if I am under such circumstances, to pursue the means that are in my power, to effect the liberation of the natives, by employing an armed force for the purpose, or obtaining the assistance of any of the pilot vessels I can fall in with. With greatest respect, I have, &c.

Cantai, 13th April 1791. (signed) *W. N. W. Hewett*, Magistrate, H. D.

P. S.—I beg leave to ask, if there should be slaves on board, if the commander and other officers are to be taken up, and sent under an escort to one of the judges of the supreme court, as directed in the 12th article of the regulations.

Extract of a note from George Wheatley, at Kedgeree, to the magistrate of Hidjelee; dated 12th April 1791.

" Sir:—I think it a duty incumbent on me to inform you of the following particulars: I have received information that there is a vessel here under French colours with a number of slaves on board, and that upwards of thirty that were sent down to her were all drowned off or near Channel Creek, and that there is a sloop on her passage down here, with fifteen or twenty slaves on board. If I had a boat, I would have gone on board ere this, but the want of which has prevented me: could you favour me with one, and a few armed peons, I will land the slaves, or act as you may please to order me."

(signed) " *George Wheatley.*"

The following letter is written to Colonel de Canaple by Mr. Stuart:

To Colonel de Canaple, &c. &c. &c.

N° 4. Honourable Sir:—I think it proper to acquaint you, that I have received information this morning of the following particulars: That on the 12th of this month, a vessel under French colours, having a number of slaves on board, was at Kedgeree; that more than thirty slaves, who were on their way to her, were drowned off or near Channel Creek; and that there was a sloop on her passage down to Kedgeree, with an additional number of fifteen or twenty of these unfortunate people.

In July 1789, it was thought necessary to order a positive prohibition of this trade, as far as regarded any concern in it by persons subject to the authority of this government; and we were happy to understand that corresponding orders were soon afterwards issued at Chandernagore.

It is under the fullest assurance, Sir, that you must be resolved to discourage and prevent a traffic of this kind, so inconsistent with the dictates of humanity, that I have communicated to you the intelligence from Kedgeree; having no doubt that you will think it right to give orders to liberate the slaves before the ship leaves the river. I have only to add, that should you do me the honour to inform me that you wish for any assistance in carrying the order into execution, it shall be readily and immediately granted. I have the honour to be, &c.

Council Chamber, 15th April 1791.

Ordered, That the following letter be written to the magistrate at Hidjelee by the secretary:

W. N. W. Hewett, Esq. Magistrate at Hidjelee.

N° 5. Sir:—I have orders to acknowledge the receipt of your letter of the 13th instant, and to acquaint you, in answer to it, that the Board have a proper sense of your good intention, upon hearing from Kedgeree of the slaves exporting in a vessel under French colours, but direct that you should use our authority on this occasion, without further orders. I am, &c.

Council Chamber, 15th April 1791.

Extract, Bengal Foreign Consultations, 20th April 1791.

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THE following letter and its inclosures were received from the magistrate at Hidjelee on the 16th instant, and they were replied to on the same day by the letter which will be entered after them.

To the Right honourable the Earl Cornwallis, Governor General, and Members of the Supreme Council, Fort William.

N° 13.

My Lord and Gentlemen:—Having proceeded to Kedgeree, as I intimated to you yesterday, and taken the deposition of Mr. George Wheatley, of which I do myself the honour of laying before you a copy, I then proceeded on board the vessel on which the children were represented to be, and found seventeen girls and seven boys (agreeably to the list inclosed), which I have landed at Kedgeree, put into a tent, and provided for their support, till I have the honour to receive your instructions respecting them. The vessel proved to be the snow Stisam Low, commanded by the serang, Ponna Mulla Mamlore, from Calcutta to Pondicherry; Monsieur Jourdan, supercargo. On going on board the vessel, I produced to Monsieur Jourdan the proclamation of the Right honourable the Governor General in Council, dated 22d July 1789, to which he yielded immediate compliance, and made no objection to the children being put on shore. To such of their names is affixed the best account they would give of themselves: two of the boys are down in the small-pox. I have not landed two boys and two girls, which Monsieur Jourdan stated to be his own servants; and a boy and a girl, the servants of another European on board the vessel, which were stated as servants; respecting whom, the orders I may be ordered with from the Governor General in Council will be implicitly followed; Monsieur Jourdan having assured me that they shall not be moved hence till I have orders regarding them. The bills of lading were written in French, but he had not any port clearance, and the vessel was brought down the river by a black pilot, who, I understand, has made off, as well as the serang of the vessel, with an intention of giving information to government of the clandestine transportation of the natives of this country. I have, &c.

Kedgeree, 14th April 1791. (signed) *W. N. W. Hewett*, M. H. D.

P. S.—I have the honour to forward a letter just sent to me by Monsieur Jourdan, addressed to the Honourable the Governor General in Council.

N° 14.

List of children disembarked from the snow, Stisam Low, commanded by the serang, Ponna Mulla Mamlore, from Calcutta to Pondicherry, supercargo, Monsieur Jourdan, on the 14th April 1791, at one P. M.

Names of the girls.

Floree, about 16 years old, slave to a person by the name of Jeffery, resident in Tiritta's Bazar, close to Mr. Tiritta's house, Calcutta.

Jaunnoo, about 13 years old, slave to a person by the name of Bintoor, a Portuguese, resident at Lall Buggun, Chandernagore.

Aunchee, about 10 years of age, slave to a Portuguese woman, by the name of Mahrua, residing in Chinsurah.

Muttee, about 11 years old, slave to a Portuguese woman, by the name of Rozah Buby, residing at Chinsurah.

Susam, about 17 years old, slave to a man by the name of Latour, resident in Chandernagore.

Dullee, about 14 years of age, a girl stolen from Duna, by a man named Sinkahruah Sing, who left her at the house of Mahrua, was sold by her to Petit Jaun, and by him to Monsieur Jourdan.

Jeyah, about 16 years of age, stolen from Daua, by a bawd, and sold to a Portuguese unknown, in the house of Monsieur Latour, she became the property of Latour afterwards, who disposed of her to Monsieur Jourdan.

Mirham, about fourteen years old, stolen from the house of her parents, who reside at Kutfurduah Ameerah Bass, by Moondee Mahjee, afterwards sold to a man by the name of Sampson, residing in Calcutta, who left her in a woman's house at Serampore, and was sold by her to Petit Jaun, who sold her to Monsieur Jourdan.

Mary, about fourteen years old, enticed from her parents by a procuress by the name of Lury, residing in Chandree Chowk, Calcutta, who sold her to Petit Jaun, and was sold by him to Monsieur Jourdan.

Kumlie, about eight years old, was in the possession of a Mussulman by the name

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name of Gujjah Gosein, and was stolen from thence by a bawd, resident of Chinsurah, and sold by her to Petit Jaun, who sold her to Monsieur Jourdan.

Gauremaun, about seventeen years old, stolen from Madorolly, in the Pergunnah Bonarh Mahomed Poor, sold to Ranah Buby, by her to Petit Jaun, and by him to Monsieur Jourdan.

Sury, about ten years old, sold by a Portuguese of Kidderpoor, named Juan Tahkoor, by him to Petit Jaun, and by him to Monsieur Jourdan.

Hannoo, about sixteen years old; a man servant of Petit Jaun's enticed her away; his master brought her away, and put her on board of ship, having sold her to Monsieur Jourdan.

Ranimee, about twelve years old, brought from Serampore by a woman named Noonah, and sold to Petit Jaun, and sold by him to Monsieur Jourdan.

Lugulah, about eight years old, brought from Dana by an Armenian named Crahfelt, by him sold to Rozah Buby, and by her to Monsieur Jourdan.

Hannah, aged eight years; all the account she can give of herself is, that Petit Jaun told her he would make her the mistress of a captain, and sold her to Monsieur Jourdan.

Pieran, about seven years old; she was at a peon's house in Dana, and enticed from thence by a Portuguese woman, who sold her to Petit Jaun, and he to Monsieur Jourdan.

Mary, servant to Monsieur Jourdan.

Sizard. d° - - - d°

Sarvenee, belonging to the other officer.

Boys.

Josee Sylrah, or Harsoo, twelve years old; at his mother's decease, he was left by her with his grandmother, who told him to live with her, and afterwards sold him to Petit Jaun, and he to Monsieur Jourdan.

Jack, four years old, was sold by his uncle to Petit Jaun, who disposed of him to Monsieur Jourdan.

Juggoo, seven years old, sold by his father's directions to Petit Jaun, and by him to Monsieur Jourdan.

Antony, twelve years old, inveigled by a Portuguese, called Jaun Tahkoor, from Dana, and by him sold to Petit Jaun, and by him to Monsieur Jourdan.

Pidroo about twelve years old; he was brought from Dana, in a boat load of children for sale, by a Portuguese woman, name unknown, now residing in the China Bazaar, Calcutta; he knows her residence.

Meinnooally, about six years old, and Tom, about ten years, too ill of the small pox, to be brought for examination.

Ratifeah and Tom, belonging to Monsieur Jourdan.

Peidro, belonging to the other officer.

Kedgeree, 14 April 1791. (signed) *W. N. W. Hewett*, M. H. D.

Copy of the Deposition of George Wheatley, of Kedgeree, taken the 14th April 1791.

N° 15

This is to certify, that I, George Wheatley, of Kedgeree having been informed by several persons that there is a vessel under French colours now lying in these roads, with a number of slaves on board, and that a sloop under the same colours, of the name of St. Esperance, commanded by Andre Barney, is on her passage down here with upwards of twelve slaves on board, and that the captain and mate of the vessel now here has come on shore, and wished me to procure two large boats to go to Chandernagore, which I really suppose for the purpose of conveying the above slaves to that place. The whole of the above information I sent to W. N. W. Hewett, Esq. magistrate of Hidjelee, and which I hereby declare to be the whole of the truth, to the best of my knowledge.

Kedgeree Road, 14th April 1791. (signed) *George Wheatley.*

Sworn before me, in Kedgeree Road, 14th April 1791,

Signed in the presence of us, (signed) *W. N. W. Hewett*, M. H. D.

(signed) *Peter Gilbrith*, *Thomas Wilsone.*

Earl Cornwallis, Governor General of the Establishments of His Britannic Majesty in Bengal, at Calcutta.

N 16.

My General:—Circumstances determine me to sell the vessel which I lately Commanded, and my affairs requiring me at Pondicherry, I took my passage in a Moorish

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Moorish vessel, and I was verbally entrusted with the conduct of the said ship; Mr. Vialais, freighter of the vessel, reserved the cabin for me, and as it was more than sufficient for my accommodation, as well as my boatswain, I took with me, besides my servants, who were four in number, two women and two men, and two servants of my boatswain, consisting of one man and one woman, twenty-four other people belonging to different Frenchmen. The sole interest I had was nothing more than to oblige the persons who were recommended to me; I was ignorant, really, that so great a number would be capable of acting contrary to the orders of government; I know, nevertheless, that the carrying on the trade was forbid, but I was ignorant that the slaves belonging to divers strangers were liable to be stopped. Mr. Hewett has signified your orders on this subject to me; I have submitted to them, and the black men and women are at his disposal, except my two women and two servants, which he has been so good as to grant me the favour of letting remain with me, and the two servants of my boatswain. You will be so good, my General, as to excuse my ignorance on this subject, and allow the slaves to be returned to their old masters, as the greatest part of them belong to unfortunate people, whose necessities made them send them to Pondicherry, the place of my destination. I look for this clemency from you, and you will oblige him, who has the honour to be, very respectfully, My General, &c.

Kedgeree, 14th April 1791. (signed) *M. Jourdan.*

W. N. W. Hewett, Esq. Magistrate at Hedjelee.

N° 17.

Sir:—I am directed by government to acknowledge the receipt of your letter, dated the 14th instant, and to acquaint you, that as you have received charge of the slaves from the snow, Stisam Low, you are to take proper care of them till further orders, excepting the two boys and two girls, which Monsieur Jourdan declares to be his own servants, and the boy and girl, said to be the servants of another European on board the vessel, these being allowed to remain with their masters, as Monsieur Jourdan has requested.

You will be pleased to inform him that his letter has been received, and that no immediate answer to it is thought necessary.

Council Chamber, 16th April 1791. I am, &c.

The following letter was received from the magistrate at Hedjelee, on the 17th inst. and having been circulated, was returned with the orders entered after that letter, and the translations that have been made of its inclosures; the necessary instructions were sent in consequence to Mr. Hewett.

To the Right hon. the Earl Cornwallis, Governor General, and Members, to the Supreme Council and Secret Department, Fort William.

N° 18.

My Lord and Gentlemen:—Having obtained copies of the bills of lading from Monsieur Jourdan, as well as a list, of the slaves in the vessel with him, I do myself the honour of laying them before you. The children were, I find upon inquiry from them, brought down in punch ways to Culpee, under the charge of the man named Petit Jaun, and there embarked by him; some of them are of an age and understanding to give material evidence against this man; he is a resident, I understand, of Chandernagore, and a well known character in the line of obtaining and conveying away many helpless children from this country. His apprehension might possibly be effected at some unguarded moment within the jurisdiction of the English government, as I am informed he sometimes comes down to Calcutta. I have, &c.

Kedgeree, 15th April 1791. (signed) *W. N. W. Hewett*, M. H. D.

P. S.—I have forwarded the copies of the bills of lading, to show that the vessel was cleared out from Calcutta.

N° 19.

Calcutta, 21st January 1791.—Shipped in the name of God, and in good condition, at the port and harbour of this town, by Eust, Vialais and Company, on account and risk of Monsieur Tonqueraux, on the vessel named "Stisam Low," commanded by the serang, Ponna Malla Mamlore, to take and carry, God assisting, to Pondicherry, and consigned to the said Sieur Tonqueraux, for whom the goods and merchandize hereafter mentioned and marked are, that is to say: [Here follows the specification of the value and marks of the cargo, consisting chiefly of rice in bags and bale goods, as chintz, handkerchiefs, threads, and some wax candles.]

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In circulation for orders, a letter and its enclosures received this morning from the magistrates of Hedjelee. (signed) *E. Hay,*
Council Chamber, 16th April 1791. Secretary to Government.

N° 20.

P. S.—No answer has yet been received to the letter written yesterday, on the subject of the above, to Colonel Canaple.

Mr. Stuart:—The slaves having been delivered to Mr. Hewett, that gentleman should be desired to take proper care of them till he receives the further orders of the Board, which will be passed on receipt of C. de Canaple's answer to the letter written to him yesterday. Agreed, *P. S.* (signed) *W. C.*

Read a translation of a letter from Colonel de Canaple.

The Honourable Charles Stuart, President of the Supreme Council.

N° 21.

Sir:—You would have been informed by me before this time of the particulars of what you had the goodness to communicate to me, if at the same time that I was apprised of it (the night before last), I had not received the most positive assurance that the slaves, to the number of thirty, had been stopped by Mr. Hewett, magistrate at Hedjelee, I consider therefore these slaves as being in charge of an officer of your government, and consequently as having regained their liberty.

I have not any information of the aggravating circumstance of thirty of those people being drowned.

I shall make the most particular inquiry into this affair so interesting to humanity, and will give to your government all the satisfaction that may be in my power.

I hasten to reply to your letter, and to-morrow morning I will concert with you the most efficacious means of stopping this evil in future, because I think the principal object is to prevent it from again occurring.

Receive in the mean time the assurance of my gratitude for the opportunity you have given me of preventing a bad action. I have, &c.
(signed) *Canaple.*

Agreed, That the subject of the above letter, and those preceding it, from the magistrate at Hedjelee, be taken up at the next meeting.

Extract, Bengal Foreign Consultations, 27th April 1791.

N° 1.

Read, a letter from the Magistrate at Hedjelee.

To Edward Hay, Esq. Secretary to the Governmeat, Fort William.

Sir:—I do myself the honour to acknowledge the receipt of your letters of the 13th and 16th inst. Agreeably to the instructions in the latter, I have kept charge of the children landed from the vessel Stisam Low, and shall take every possible care of them till further orders. I communicated to Monsieur Jourdan the latter part of your letter of the 16th instant. I do myself the honour to enclose you a copy of a letter which I received on the 19th instant from Monsieur Jourdan, in which he states the vessel to be under Moor colours, and himself a passenger only. He has, I understand, proceeded to Calcutta. I am, &c.
Contar, 21st April 1793. (signed) *B. A. W. Hewett.*

(Copy.)—J'ai l'honneur de souhaitre le bon jour à M. Hewett, et de le remercier beau coup de la complaisance qu'il a à mon égard. Quant à ce qu'il me demande, je croyois avoir eu l'honneur de lui dire que le batiment étoit Maure, et que je n'etois que passager à bord, n'étant chargé de rien. Son très humble serviteur,
19 Avril 1791. (signé) *Jourdan.*

Extract, Bengal Foreign Consultations, 6th May 1791.

READ again the letters from the magistrate at Hedjelee, dated the 14th and 15th ult. and recorded on the proceedings of the 20th ult. Also Colonel de Canaple's letter of the 17th, entered in the consultation of the 20th of last month.

Ordered, That the magistrate at Hedjelee be directed to send to the superintendent of the police for the town of Calcutta, the slaves that were removed from the snow, Stisam Low, and are now under his charge.

Ordered, That information thereof be sent to the superintendents of the police, that they be directed to take care of the people, endeavour to ascertain who are their

their parents, or nearest relations, and having done so, take the proper measures for restoring them to their families.

Ordered further, That the superintendents of the police be furnished with a copy of the letter from the magistrate at Hedjelee, dated the 14th ultimo, with copies of its enclosures, viz. the deposition of George Wheatley, of Kedgeree, and the list and description of the children disembarked from the snow, Stisam Low, and that the superintendents, as soon as they have completed their inquiries relative to the slaves, do lay before the Board the result thereof, and after consulting the Company's attorney, report to government the proper steps to be taken, and the names of the offenders under the proclamation bearing date the 22d July 1789, against whom, a subject to the authority of this government, and to the jurisdiction of the Supreme Court of Judicature, it will be necessary to proceed to support the intents and purposes of that proclamation, and to make due examples of those who may be proved to have violated the same.

Ordered, That the master attendant do make immediate inquiry for the serang, Ponna Mulla Mamlore, and if he belongs to this port, advise the superintendents of the police, where he may be found, that he may be examined touching the slaves who were delivered from the snow, Stisam Low, under his command, and treated as the law directs.

Ordered further, That the master attendant do make inquiry after the native pilot who was conducting the said vessel out of the river, and if it shall appear, on his examination before the superintendents of the police, that he knew or believed the natives above mentioned to be slaves, the master attendant is to declare the privilege of piloting to be taken from him for ever, and to cause his name and offence to be registered in the books at Banksaul.

Extract, Bengal Foreign Consultations, 27th May 1791.

READ the following petition of Rady Gomastah, for Vencantah Ramadoo, owner of the snow, Shree Ramroo.

To the Right hon. Earl Cornwallis, K.G. Governor General in Council:

The humble Petition of Rady Gomastah Ramadoo, owner of the snow Shree Ramroo, Serang, Polnah Ramdoo,—

Humbly sheweth,—That your petitioner, on the 1st March, freighted the snow, Shree Ramroo to Mr. Vialais, merchant, from Calcutta to Pondicherry, at the rate of one rupee six annas per bag; that the said Mr. Vialais paid ten annas of the freight here, and the remaining six was to be paid at Pondicherry. That when he freighted the vessel to Mr. Vialais, it was an express stipulation on the part of Mr. Vialais, that a Frenchman, who had been captain in Mr. Vialais' employ, should go on board, who was to take charge of the vessel and navigate her, but was to have no wages, only a cabin and passage. N° 1.

At a subsequent period Mr. Vialais applied to the petitioner, to take on board two other Frenchmen, which was agreed to, without any freight being charged for either of them.

In consequence of the above agreement, the three Frenchmen embarked, and took with them four black girls and two boys.

The serang complained to the petitioner, that these girls and boys were sent on board without any order or freight being allowed for them, on which your petitioner applied to Mr. Vialais, when the said Mr Vialais insisted that they should go, as being servants of the captain, and no allowance was made, either for passage money or other indemnification.

All this the petitioner acquiesced in, as he considered the vessel as solely at the service of Mr. Vialais and the French captain, as the person who had not only the charge of navigating the ship, but the care of the cargo; for although the serang signed the bills of lading on the part of the owners, yet all the letters and other papers were delivered by Mr. Vialais to the European.

On the 28th March the vessel left Calcutta, and arrived in four days at Culpee, when, by order of the French captain, they came to an anchor; there they continued at anchor four days, under the pretence that the French captain's baggage was not arrived from Calcutta; on the fourth day, two punchways came along side, with about twenty-four slaves; the serang objected to taking them on board, as neither he nor his owners had any intimation of slaves coming on board; an altercation took place, when the French captain said, that he had a right to do as he pleased,

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and that he had bought the vessel; and afterwards beat the serang, as can be proved by all the ship's crew.

On the opposition from the serang, the French captain ordered him to weigh anchor and drop down the river, and dispatched the boats with the slaves as before, under the charge of one of the two Europeans who was recommended to be taken as passengers on board, by Mr. Vialais; this was done privately, because the petitioner understands that the French captain was afraid of giving an alarm, having beat the serang, as several ships lay in the vicinity.

The vessel proceeded to Barratuley, when the French captain ordered him to come to an anchor; the boats came alongside with the slaves, and were taken on board, and the European who had the charge of them returned to town. The serang, after his former beatings, not wishing to incur another (by opposing the captain) from these, they proceeded to Talpathy.

When the black pilot was sent on shore by the French captain with his linen to get washed, he ran away, owing to the French captain having threatened to carry him off to Pondicherry; on the pilot not returning, the French captain ordered the serang to go on shore and bring off the pilot, and threatened to flog him if he did not find him; whenever the serang got on shore he immediately made his escape, and came to town and informed the petitioner of all the particulars; the petitioner took the serang with him to Mr. Vialais, who desired he would return to the vessel; assured him that both the French captain and the slaves should leave the vessel, and that he should not be flogged, giving him a letter at the same time to the captain; the serang made all the haste he could by land to Talpathy, but did not find the vessel, as she had returned to Calcutta; the serang immediately returned to town and delivered the letter he received back to Mr. Vialais.

It is necessary to observe, that the French captain, four days after the slaves were taken out of the vessel by order of government, procured a pilot, and returned to town with the vessel, without any orders either from the petitioner or the serang; another convincing proof that the captain had the command of the vessel.

All the above circumstances the petitioner is ready to produce his witnesses to prove.

Mr. Vialais now threatens the petitioner with a prosecution to return the freight and for damages, under the pretence that unnecessary delays had been occasioned in the river, and that the serang left the vessel instead of proceeding to sea, and has actually received a summons to answer to such suit, although the petitioner offered to have the matter in dispute to be decided by arbitration, which Mr. Vialais refused to do.

As your petitioner is a stranger in this country, and acting for a person residing in the Circars, he throws himself upon the protection of government; and that as his serang did, in conformity to the laws, refuse to take the slaves out of the country, and also did as soon as possible make his escape to give the information of slaves being on board.

The petitioner entreats that the Governor General and Council will order a strict investigation into this business, that those that are guilty may be punished. The petitioner is ready to attend, as also the serang and ship's company are ready to attend, and will submit to any punishment that it is found they may deserve, on being proved to be any ways accessary to the taking slaves out of this country.

The inquiry now requested is a justice due to the innocent. The petitioner's bread, and that of the serang's, depend on the result; for without their innocence meeting with a public acquittal, their master will consider them as accessaries to the receiving the slaves on board, contrary to the laws of this country, and dismiss them.

Your Lordship must be sensible how inadequate the petitioner is to contend with an opulent merchant; the whole value of the vessel and freight will not be sufficient to defend one cause, however just.

But if on an investigation it is found that the petitioner and his people are innocent, he trusts that his cause will meet with the support of government, without which support, the poverty of the Tellinga people must compel them to submit, patiently, to temporary impositions to avoid greater evils.

But when confident of meeting with protection from government, as in the present instance, that security will encourage them to resist any similar impositions in future.

And your petitioners, as in duty bound, will ever pray.

P. S.—Should any doubt arise on the score of your petitioner's assertions as to the

the facts stated, and the reason above given for the serang's quitting the ship, your petitioner refers the honourable Board to Mr. Hewett, who will naturally have made every inquiry on his visiting the vessel, and liberating the slaves.

Ordered, That a copy of this petition for and on behalf of Vencala Ramadoo, owner of the snow Plisan Ramroo, serang per Sarah Ramroo, be sent to the Company's attorney, and he be directed to enter into a full examination of the following points, examining thereupon such witnesses as may be necessary for the purpose, and that his report be laid before the Board without delay:

1st. Whether the detention of the vessel at Culpee four days, as stated in the 6th paragraph of the petition, was occasioned by the order of the French captain, and was against the wish of the serang.

2d. Whether the serang objected to taking on board the 24 slaves brought on the fourth day to the vessel, if he did, what reasons he assigned in support of the objection, and whether the serang was beaten for opposing the reception of the slaves.

3dly. Whether the assertions in the ninth and tenth paragraphs of the petition, are correct.

4thly. Whether, as stated in the 12th paragraph, arbitration was offered by the petitioner, and refused by Mr. Vialais.

5thly. To whom the information alluded to in the 13th paragraph, of slaves being on board the vessel, was delivered by the serang.

Ordered, That the petitioner be informed that orders have been given to the Company's attorney to investigate the subjects of his arzee, and that he is to attend the Company's attorney with his evidences in support of the assertions contained in it, when called upon by Mr. Jackson for that purpose.

Extract, Bengal Foreign Consultations, the 17th June 1791.

Read a letter from the foreman of the grand jury, to Edward Hay, Esq. Secretary to the Government.

N° 3.

Sir:—The grand jury have desired me to send you the inclosed, and to request you will lay it before the Honourable the Governor General in council.

I am, &c. (signed) *Herbert Harris*, Foreman.

Grand Jury Room, 16th June 1791.

N° 4.

The grand jury have desired me to represent to the Honourable the Governor General in council, that in the course of their inquiries, they have great grounds for believing, that two persons named Jourdan and Ponsselle, have been guilty of taking children from Bengal, with the intention of selling them as slaves, but the grand jury are given to understand by the judges of the Supreme Court, that the offenders, as foreigners, are so situated as not to be amenable to the jurisdiction of the court; they therefore take the liberty of submitting it to the wisdom of the Honourable the Governor General in council to take such measures as he may think proper to bring the offenders to punishment.

The grand jury are informed that Mr. Ponsselle is now in Calcutta, and Mr. Jourdan at Chinsurah. (signed) *Herbert Harris*, Foreman.

Grand Jury Room, 16th June 1791.

Ordered, That a letter be written to the foreman of the grand jury, to request that the grounds may be stated on which the belief of the grand jury, relative to the guilt of Messrs. Jourdan and Ponsselle, in the instance in question is founded, and that if the gentlemen of the grand jury are informed of the names of witnesses who can support the charge, they will be so good as to signify who those witnesses are.

Extract, Bengal Foreign Consultations, the 22d June 1791.

Read a letter from the Magistrate at Hedjelee, John Fombelle, Esq. Fort William.

Sir:—Agreeable to the instructions you favoured me with, I beg leave to notify to you my having delivered over charge of the slaves taken out of the vessel Stisam Low, to Messrs Motte and Maxwell, superintendants of police for the town of Calcutta; in number 24, viz. 17 girls and 7 boys. I am, &c.

Contai, 17th June 1791. (signed) *W. N. W. Hewett*, M. H. D.

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Extract, Bengal Foreign Consultations, 29th June 1791.

The Secretary lays before the Board, a letter which he received on the 27th inst. from the foreman of the grand jury.

N° 1.

To Edward Hay, Esq. Secretary to the Government.

Sir:—In answer to your letter of the 17th inst. I am to inform you, that the petition given to the grand jury, was a copy of the one presented by the serang, &c. of the vessel, to the Honourable the Governor General in council. That the grand jury examined the following witnesses;—The serang of the vessel, the second serang, ditto, the pilot, and Monsieur Vialais. I am, &c.

Grand Jury Room, 24th June 1791. (signed) *Herbert Harris*, Foreman.

Read again the representations from the grand jury, dated the 16th, and recorded on the proceedings of the 17th inst.

Ordered, in consequence of the representation made by the grand jury, that a copy of it be sent to the Advocate General, and that his opinion be consulted,—

1st, As to the means which this government is authorized by any powers legally vested in them to take, in order to bring to punishment both or either of the offenders charged in the representation from the grand jury, supposing them not amenable to the jurisdiction of the supreme court of judicature.

2dly, As the Board desire to have the question tried, and solemnly decided in the Supreme Court, in how far, if at all, French subjects, resident in the Company's provinces, and not in the ancient factories of that nation, are subject to the court's jurisdiction, what steps should be taken to bring the point to issue, by obtaining the court's determination thereupon.

Extract, Bengal Foreign Consultations, 22d July 1791.

Read, a letter from the Advocate General, to Earl Cornwallis, K. G. Governor General in Council.

N° 2.

My Lord:—A copy of a representation from the grand jury, to the Governor General in council, having been transmitted to me by your Lordship's directions, enclosed in a letter from the sub-secretary, requiring my opinion on two points therein stated by him, I have the honour to submit my opinion as follows, upon the first point, viz. 1st, "As to the means which this government is authorized by "any powers legally vested in them to take in order to bring to punishment both "or either of the offenders charged in the representation from the grand jury, "supposing them not amenable to the jurisdiction."

I am of opinion, that as the persons against whom the representations has been made by the grand jury, are foreigners, and as the offence which they are charged with, must have been committed out of Calcutta, (otherwise the judges of the Supreme Court could not have informed the grand jury that they were so situated as not to be amenable to the jurisdiction of that court), the members of government can only proceed against them, to bring them to punishment by acting in their capacity of magistrates of the Nizamil, or supreme criminal court of justice, for offences committed in the provinces by natives and others not amenable to the jurisdiction of the Supreme Court, and in that capacity, taking the examination on oath of the witnesses, who charge them with the crime imputed to them; or else by ordering the provincial magistrate of the district in which the offence is charged to have been committed, to take their depositions; for though I am not acquainted with the forms of proceeding by the provincial magistrates in criminal cases, I imagine that their practice is conformable to that of the English law, which requires that an information shall be lodged upon oath before a magistrate, to authorize him to issue a warrant for the arrest of any person who may be charged with the commission of a crime, or a breach of the peace; and that without such information be on oath, he would not be justifiable in issuing such warrant, for the practice of our law is not founded on any local or partial usage or reason, but on the principles of natural justice.

With respect to the second point, viz. "As the Board desire to have the "question tried and solemnly decided in the Supreme Court, in how far, if at all, French

" French subjects, resident in the Company's provinces, and not in the ancient fac-
" tories of that nation, are subject to the court's jurisdicstion, what steps should
" be taken to bring the point to issue by obtaining the court's determination
' thereon."

I know not of any other method which can be pursued for the above purpose, than for some one of the members of the council to take the depositions of the witnesses in his capacity of a justice of the peace, and to issue thereupon his warrant to apprehend the parties accused, and upon their apprehension to commit them, by a regular mittimus, to the jail of Calcutta. For if the parties accused are neither British subjects, nor employed directly or indirectly in the service of the Company, or of some British subject, and if the offence was not committed within the limits of the town of Calcutta, and factory of Fort William, or the factories subordinate thereto, I apprehend that no one of the present judges would conceive himself warranted in committing him for trial before the Supreme Court; and I think it my further duty to inform your Lordship, that according to the best of my judgment and understanding, neither the Act of Parliament or the charter of justice, which established the Supreme Court, nor any one of the subsequent Acts of Parliament, which affect its jurisdiction, contain any clause or sentence which could warrant the Supreme Court in taking cognizance of crimes committed by foreigners not in the service of the Company, or of some British subject (unless committed within the limits of the town of Calcutta and factory at Fort William, or of some of the factories subordinate thereto), on which could support an argument in favour of such an extension of their jurisdiction.

I hope I shall be excused, if I take the liberty of recalling to your Lordship's recollection, that in the month of November 1788, a copy of a bill which I had the honour to propose, under your Lordship's directions, and which had been submitted to the judges of the Supreme Court for their correction and approbation, was transmitted to the Court of Directors, with a request that the same may be laid before Parliament, to be passed into a law, in which bill, by the joint concurrence of your Lordship in council, and the judges, a clause was inserted, to empower the judges of the Supreme Court to exercise both civil and criminal jurisdiction over the subjects of his Most Christian Majesty living within the provinces at large, and not residing in Calcutta, or in any of the six ancient factories specified in the convention made at Versailles, on the 31st day of August 1787, between his present Majesty and the Most Christian King; your Lordship in council at that time concurring in opinion with His Majesty's judges, that notwithstanding His Majesty, by the said convention, " had engaged to take measures to secure to French subjects without
" the limits of the ancient factories above mentioned, an exact and impartial admi-
" nistration of justice in all matters concerning their persons or properties, or the
" carrying on the trade in the same manner and as effectually as to his own subjects," the Supreme Court was incompetent to hold jurisdiction over Frenchmen so situated without the delegation of further powers from Parliament, to enable them to do so.

I have, &c.

Calcutta, 16th July 1791. (signed) *T. H. Davies*, Advocate General.

Minute of the Board, 16th July.

N° 3.

Advocate General:—The Board observe, that the person mentioned in the representation from the grand jury, which occasioned the reference to the advocate general, for his opinion on the two points stated in his letter, are named Jourdan and Fousselle, who were believed by the grand jury to have been guilty of taking children from Bengal, with intention to sell them as slaves.

The grand jury, understanding that one of these two persons, M. Jourdan, is at Chinsura, it will be proper that the superintendents of the police should be directed to give notice to government, as soon as M. Jourdan comes to this place, whenever that may happen.

The expediency, in the present instance, of enforcing the orders of government in the strictest manner, makes it proper that the most effectual means should be taken to bring the offenders to punishment. It appearing, however, from the representation of the grand jury, that neither of the parties charged with the crimes is subject to the jurisdiction of the Supreme Court, and that one of the alternatives suggested in this case by the advocate general must be necessarily adopted, the Board give the preference to that which recommends that the provincial magistrate of the

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district, where the offence is charged to have been committed, shall examine and take the depositions on oath of the witnesses who can give evidence on the occasion.

Ordered, therefore, that the offence charged to M. Jourdan and Mr. Fousselle, either as the principals or parties, be laid before the magistrate of Hedjelee, within whose jurisdiction it was committed, and that he be furnished with copies of the following papers:

Copy of a letter, dated the 14th April 1791, from the magistrate at Hedjelee, and its several inclosures, recorded on the proceedings of the 20th.

Copy of a letter, dated the 15th of April 1791, from the magistrate at Hedjelee, and the papers inclosed in it.

Copy of a petition from Rady Gomastah, for and in behalf of Vencatah Ramado, owner of the snow Shree Ramroo, received and recorded on the 27th May 1791.

Copy of a letter from the Company's attorney, dated the 6th, and recorded on the 8th of June 1791.

Copy of a representation from the grand jury, dated the 16th, and recorded on the 17th June 1791.

Copy of a letter from the foreman of the grand jury, dated the 24th, and recorded on the proceedings of the 29th June 1791.

Copy of a letter from the superintendents of the police, dated the 1st July 1791, with copies of its inclosures, recorded on the 6th of the same month.

Ordered, That Mr. Hewett, the magistrate of Hedjelee, who is at present at Calcutta, be desired to take the evidence on oath of the persons mentioned in the letter from the foreman of the grand jury, viz. the serang of the vessel, the second serang of the vessel, the pilot, and Monsieur Vialais, and to transmit the depositions of each, as soon as they are respectively taken.

Ordered, That the magistrate at Hedjelee be instructed to transmit, as soon as he has closed the inquiry, all the papers, and his proceedings in the course of it, to the Governor General in council; distinguishing, in his report, how far the evidence adduced applies to Mr. Jourdan, and how far to Mr. Fousselle.

The honourable Mr. Cochrane is security for the appearance of Ponna Mollah, the serang, before the superintendents of the police, when he shall be called upon, which should be done when the magistrate wishes to examine the said serang, and the superintendents of the police will produce him to the magistrate.

Inquiry must be made for the second serang, who will be brought before the magistrate by the superintendents of police when required, and they will also produce the pilot Azeezoolah, who is now in confinement under their charge.

M. Vialais resides in Calcutta.

Ordered, That a copy of these resolutions be sent to the magistrate of Hedjelee, and that the necessary directions, on the subject of them, be given to the superintendents of the police.

Extract, Bengal Public Consultations, 3d February 1792.

Read a letter from the Superintendent of police.

N° 37. My Lord:—I beg leave to inform your Lordship, that I have disposed of the boys and girls who were placed under the care of this office, by restoring some to their friends and relations, and providing proper employment for others, and that the expense of their maintenance will cease from this day. I enclose a statement of the charge hitherto incurred on this account, and request that your Lordship will be pleased to order the civil paymaster to pay the amount. I have, &c.

(signed) *G. C. Meyer*, Superintendent.

Police Office, 20th January 1792.

Charges for the maintenance of the Boys and Girls under the care of the Police Office.

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1791.				
October - - -	Their diet at 1 ½ rupee per day - - -	46 8 –		
	House rent - - - - - - - -	3 8 –		
			50 – –	
November - -	Their diet at 1 ½ rupee per day - - -	45 – –		
	House rent - - - - - - - -	3 8 –		
	Blankets - - - - - - - -	17 – –		
			65 8 –	
D°	Their diet at 1 ½ rupee per day - - -	46 8 –		
	1 House rent 15 days - - - - -	1 12 –		
	Another d° 15 „ a' 7 p' month - - -	3 8 –		
	A Durwan's pay 15 d° a' 4 d° - - - -	2 – –		
			53 12 –	
1792.				
January - - -	Their diet for 20 days - - - - -	30 – –		
	House rent d° a' 7 p' month - - - -	4 10 8		
	Durwan's wages a' 4 d° - - - - -	2 10 8		
			37 5 4	
		Siccas - - -	206 9 4	

(signed) *G. C. Meyer*, Superintendent.

Ordered, That the account be passed, and paid by the civil paymaster.

Extract of a letter from the Court of Directors to the Governor General in Council of Bengal, in the Foreign Department, dated 25th April 1792.

Letter from the Government, dated 17th August 1791, (18, 19) concerning an officer of a French merchant vessel, offering several inhabitants of the Andamans for sale.

Par. 19.—We have read Captain Light's letter of the 1st of April 1791, concerning the offer of Monsieur St. Croix, an officer of a French merchant vessel, of some natives or others, from the Andamans for sale, and approve of your having caused copies of it to be sent to Europe to Colonel Montigny.

(21 to 24) concerning a French vessel being at Kedgeree, with a number of slaves on board, and a sloop expected with an additional number.

Par. 20.—Your proceedings relative to the slaves on board the French ships at Kedgeree, have met with our entire approbation.

Proceedings in 1791, respecting one of the Company's Chaplains, suspected of taking a kidnapped native of Bengal to St. Helena, and selling him there as a slave.

(For other cases of natives of India sold into slavery at St. Helena, *see* the St. Helena Papers.)

Extract of a letter from the Governor General in Council of Bengal, to the Court of Directors in the Public Department, dated 25th Nov. 1791.

Par. 133.—OUR consultations of the dates annexed, contain the orders we have issued upon a paragraph of a letter from St. Helena, which was brought by the Lord Hawkesbury, representing an instance of very reprehensible conduct in the Reverend Mr. Carr, while he resided at that place. Mr. Carr's answer to the complaint, and the resolutions we came to in consequence, to liberate the slave, improperly sold by him, will be sent to St. Helena, by the ship under despatch.

Cons. 7th October. 26th d°

Bengal Papers: State of Slavery in Company's Territories.

N° 2.

Extract, Bengal Public Consultations, 7th October 1791.

Island St. Helena. — The following were presented to the Board by John Richmond, alias John Cammedy, &c. &c.

To the Worshipful Robert Brooke, Esq. Governor, &c. Council, St. Helena.

Worshipful Sir and Sirs:—Struggling to the best of my abilities, for a length of time back, to obtain that liberty of which I was most unjustly and cruelly deprived by the Rev. Mr. Carr, formerly chaplain of this island, (now, I understand, in the honourable Company's service in Bengal), I find myself at length necessitated to apply to your honours to intreat for your interference in my behalf. For want, perhaps, of sufficient proofs, my story was not formerly attended to; but the accompanying letters, with the concurrent testimony of the gentlemen under whom I serve, will now, I trust, prove that I am no impostor, but that my complaints were and are well founded, and that I have a just right to that freedom of which I have been so long robbed. However, that this matter may be put out of all manner of doubt, I consent to remain in servitude with Mr. Wright, until the result of an inquiry in Bengal be known, when, if my story is true, I trust I shall not only receive my freedom, but be permitted to return to my father and my native land; if false, let me be punished as I deserve.

What I want to have secured to me is, that if I am entitled to my liberty, I may have it, whether my father chooses to remit, or is able to do it or not; for in such case surely Mr. Carr will be obliged to do me all the justice it is now possible in this case for him to do me.

St. Helena, May 1791. (signed) *John* his mark *Cammedy.*

Island St. Helena.—Britannicus Alexander Wright, Esq. came before me this day, and made oath upon the Holy Evangelist, that John Richmond, alias Cammedy, was purchased by him for fifty pounds sterling, of the Rev. Mr. Robartes Carr, formerly chaplain of this island, without any other form than what was customary between persons of character in such cases. This deponent further maketh oath, that he, Richmond, alias Cammedy, informed him, and repeatedly complained that the said Rev. Mr. Carr had sold him without his having any right or title whatsoever so to do, and that the said deponent desired him in consequence to write to Bengal, and that the letters received from thence, the one directed to said Richmond, the other to himself, corresponded in substance with the story told him by Richmond, and that Richmond, alias Cammedy, has been a faithful and good servant to him, and he believes him an honest man.

Sworn before me, this 30th May 1791. (signed) *R. Brooke.* (signed) *B. A. Wright.*

Mr. John Richmond, per favour of Mr. Wright, at St. Helena.

My poor unfortunate boy John,—I have duly received your letter, which fully informs me of your disagreeable situation. I am extremely sorry Mr. Butler has behaved in this cruel manner; he had not my orders to sell you; it never was my intention you should be a slave to mankind. When I heard of it, I wrote to Mr. Butler about his cruel proceedings, and desired he would write to Captain Carr to write to his brother to release you; he wrote to me you were very well, and had children, and did not wish to leave them; however this did not satisfy me. I had an opportunity of seeing Captain Carr here, and begged of him to get you off that disagreeable place; he gave me his word and honour he would, and I gave him a fine boy, in order that he might get you released. I am surprised he has not; he promised me to pay the gentleman whatever he paid for you to his brother. Now as things have so happened, you must give my humble respects to your master, and tell him how you as well as myself have been served, and I make no doubt but he will agree to release you, on condition I pay him what he gave for you, and allowing twenty-five per cent upon his money; he being a gentleman, he will never refuse a thing of this kind; if he agrees, let me know without loss of time, and I will remit him the money, or pay it to any gentleman here of his acquaintance. I beg you will behave well to your master, and always be faithful; that is the way to gain his affection; he must feel for you when he hears your hard case. I should have sent

sent you a small present had I been in Calcutta, but I am now at Patna, and had no opportunity of getting a friend to take it to you. Pray let me know how you are used, and how I may be able to serve you. Depend I am still your father and friend.

I am, &c.

Patna, 15th February 1787. (signed) *W. A. Cammedy.*

To B. A. Wright, Esq. at St. Helena.

Sir:—I have to hope you will excuse the liberty I take in writing to you on a subject, which I hope will not be anywise disagreeable to you; and as I have already experienced your humanity, by the contents of my poor boy's letter, dated the 5th May 1789, wherein you really seem to lean towards freedom and liberty. I therefore hope you will coincide with my request, which is to draw on me for the amount you paid for my boy; you may draw in favour of any gentleman here, and I will honour the draft. I must likewise beg your pardon for intruding on you with my hard complaint respecting my boy. I will take the liberty to inform you how I have been used, and leave you to judge whether or no it was just in any man to leave or sell a person who was not his own. Captain Carr requested of me to let my boy John go to England with him, and he would take great care of him, and would bring him safe back to me; the captain being an old shipmate of mine, I did not dispute entrusting my boy with him. I never was more surprised than when I received a letter from my poor unfortunate boy, informing me that he was sold as a slave. You, my kind Sir, may easily judge my situation when I had read the letter. However, it so happened that the captain came to Bengal, and I waited on him to demand my boy; he told me he left him with his brother, and that he would take him to England, and send him out again to me; the captain died in England, and my boy is left a slave. Do, my kind Sir, consider his hard case, and draw on me for the cash to gain him his liberty. I should have sent the boy some few things, but the gentleman who will deliver this letter to you could not wait, my having received John's letters the very day before he went on board. However, if I meet with another opportunity I will send him something. Should you wish to have muslins to the amount of 50 *l.* I will deliver them to any one you please to appoint to receive them. Your kind compliance will much oblige,

Sir, your obedient servant,

Calcutta, 18 January 1791. (signed) *W. A Cammedy.*

N. B.—The person who had charge of the above letter carried it by mistake to England, instead of delivering it here.

The Board conceive it their duty to forward a copy of the above application to the Government of Bengal by the first opportunity, as also copies of the letters and affidavit alluded to, in order that proper inquiry may be made in regard to this extraordinary complaint.

The Governor desired that the two following letters might be inserted as an additional information; viz.

To Lieutenant Thomas Greentree.

Sir:—As I understand a sister of yours is married to the person complained of by one Richmond, or Cammedy, who lives with Mr. Wright, I send you a copy thereof that you may see the nature of the complaint, and the danger your relative runs in case the assertions contained therein be well founded, and the affair comes forward to a discussion.

I am induced to take this step, on the supposition that you might possibly wish to prevent the matter from going further, by advancing a sum for the man's liberation, and giving him passage to India, in case he agreed to withdraw his memorial.

You must be the best judge of the necessity or wish of any pecuniary risk on your part in such a transaction, I only afford you an opportunity of judging for yourself in the interest you may wish to take in the concerns of another.

The favour of a written answer is requested. I am, &c.

28th May 1791. (signed) *Robert Brooke.*

Robert Brooke, Esquire, Governor.

Sir:—I am much obliged for your polite attention in communicating to me the memorial of the black Richmond; but supposing that Mr. Carr only complied with the usage of the island by selling him as his property, beg leave to decline interfering at all in the business; and have the honour to remain, Sir, &c.

30th May 1791. (signed) *Thomas Greentree.*

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Extract List of the Packet from St. Helena, 5th July 1791

N° 7.—Papers respecting John Richmond, (alias John Cammedy.)

Ordered, that a copy of N° 7, be transmitted to Mr. Carr, and that he be desired to transmit an answer to the complaint stated against him in those papers.

Extract, Bengal Public Consultations, 26th October 1791.

Read a Letter from the Reverend Mr. Carr, to J. L. Chauvet, Esquire, Sub-secretary, &c. &c. Public Department, Calcutta.

N° 25.

Sir:—I yesterday received your letter, together with copies of papers relating to a complaint preferred against me to the Governor and Council of St. Helena, to which I here reply for the information of government here, as directed, that Captain Carr, then commanding the Barwell Indiaman, when he touched at the Island of St. Helena, in the year 1777, left the complainant behind with me as a slave.

That I, considering and verily believing him to be a slave, did follow the usage of the island, and disposed of him accordingly with several other slaves, when I left that island at the close of the year 1781.

That the complainant made choice of his master, as my other slaves had the liberty of doing, and the price agreed on between his chosen master, Mr. A. B. Wright and me, was, to the best of my recollection, fifty pounds, which I received accordingly.

That a period of near ten years has now elapsed; that in the year 1787 or 1786, Captain Carr was again at the Island of St. Helena, commanding the ship Barwell, and consequently the complainant might have applied to him for freedom, had he just pretensions to it; that Captain Carr died in England, in December 1787, and consequently I am bereft of his evidence.

That notwithstanding the above particulars, I am disposed, by the story of the complainant's father, Anthony Cammedy, to pay back to Mr. Wright, the purchase-money, trusting he will make such abatement as ten years service and increased age usually requires in the re-selling of slaves.

That an order for that purpose I enclose with this reply.

I am, Sir, your most obedient humble servant,

Dinapore, 19th October 1791. (signed) *Robartes Carr.*

Ordered, That the enclosures in the above letter be returned to Mr. Carr, and that he be told that the Board expect that he will enable them to take the necessary measures for liberating the person mentioned in his letter; and that for this purpose, he should transmit to the secretary a draft for 50*l.* on his correspondent at St. Helena, there in favor of the Governor and Council, who will be furnished from hence with the necessary instructions.

With respect to Mr. Carr's conduct in the instance of the complaint in question, it will be a subject of future consideration.

Extract of a Letter from the Court of Directors, to the Governor General in Council of Bengal, in the Public Department, dated 25th Feb. 1793.

Letter from the Government, dated 25th November 1791, (133) complaint against the Reverend Mr. Carr.

Par. 101.—We have read the papers relative to the sale at St. Helena, as a slave, of a native of Bengal, named John Richmond, alias Cammedy, by the Reverend Mr. Carr, upon his quitting that island, and approve of your resolution for requiring of Mr. Carr the return of the purchase money, in order to procure the liberation of the before mentioned person. We find by the St. Helena consultations of the 3d March 1792, that a bill of exchange for 50*l.* has been remitted by Mr. Carr, for that purpose. Could we with certainty have fixed the criminality of such conduct upon the Reverend Mr. Carr, we should instantly have dismissed him from our service, as utterly unworthy of being any longer continued therein. But there appears an evident contradiction in the representation of the father of this person, relative to the original occasion of his son's captivity. In one instance, he accuses a Mr. Butler with having behaved in this cruel manner, asserting that he had not his orders to sell his son. In the other, Captain Carr, late of the Barwell, is solely charged

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charged with the fact; and the Reverend Mr. Carrr has unequivocally declared that his brother, Captain Carr, when he touched at St. Helena in 1777, left the person before mentioned with him as a slave, and that he considered, and verily believed him to be such.

Par. 102.—It having been stated in the letter to you from the Governor and Council of St. Helena, dated 5th July 1791, that they have heard of other complaints of the natives of Bengal, who were entirely free, having been unjustly sold on that island, we direct that you cause an advertisement to be issued for the discovery thereof, and that you take the most effectual means for liberating such as may be under this unfortunate predicament; and for putting a stop to a practice so disgraceful to humanity, reporting your proceedings thereon, for our information.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors, in the Public Department, dated 12th August 1793.

Letter to Bengal, dated 25th February 1793. (Par. 102.) Direct that an advertisement may be published for the discovery of any other natives sold on the island as slaves, that the most effectual means may be taken for liberating them, and instruct us to report our proceedings for your information.

Par. 57. Your orders on this point, were strictly attended to; and an advertisement was issued accordingly. Should any future discoveries be made of a traffic so disgraceful to humanity, we shall not omit to take the necessary steps for liberating the unhappy sufferers, and punishing the offenders as they deserve.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors, in the Public Department, dated 18th Aug. 1794.

Par. 42.—The Governor and Council of St. Helena having transmitted to us an extract from your letter to them, dated 6th March 1793, relative to persons sold or given away to be slaves, we consulted the advocate general upon the best means of carrying your humane orders into effect. We inclose a copy of his report upon the reference, and of the proclamation we have directed to be made on this subject, in the English and country languages. We beg leave to assure you, that in every instance, of such offence being brought before us, with sufficient proof of its existence, we shall prosecute the offender as the proclamation holds forth, with a determined resolution to make proper examples, in cases that require them, and as we shall transmit a copy of the advocate general's opinion, to the Governor and Council at St. Helena, we trust that they will use the authority, which it appears that they possess, to take proper notice of so disgraceful a practice at that settlement.

Entered on the Bengal Public Consultation, 8th August 1794.

Enclosure in the foregoing Letter.

In obedience to the commands of the Governor General in council, the attorney for the Honourable Company submits to the advocate general the undermentioned papers, upon a perusal and consideration of which his opinion is requested, "Upon "the orders to be given for carrying the Honourable Company's instructions into "effect, relative to persons detained as slaves at St. Helena."

A.—Letter from the secretary to the Government to the Company's attorney, dated 23d June 1794.

B.—Extract from a general Letter from the Honourable the Court of Directors, dated 25th February 1793.

C.—Copy of the eighth paragraph of the Honourable Company's Letter to St. Helena, dated 6th March 1793.

D.—Copies of affidavits of several persons, natives of Bengal, who claim their freedom.

3d July 1794. *Jackson*, Attorney to the Hon. Company.

Opinion of the Advocate General.

The orders of the Court of Directors have three objects, first, the discovery of cases in which the free natives of Bengal have been sold as slaves at St. Helena; secondly, the liberation of persons so sold; and thirdly, the suppression of the disgraceful and inhuman practice of selling them.

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To attain the first of these objects, the Court has directed an advertisement to be issued here, and I need not observe that the order must be obeyed.

But as the terms and manner of publishing the advertisement are not particularly prescribed by the Court of Directors, it rests with the Government to adopt such a mode of obeying the order, as shall appear most likely to effect the laudable purpose for which it is intended. And in order to give greater weight to the measure, and render it not only the means of discovery but of prevention also, I beg leave to suggest the propriety of issuing a proclamation in the English and native languages, reciting the orders of the Court of Directors, desiring all persons who can give information on the subject, to communicate the same to the secretary of the Government, and strictly prohibiting the future commission of the offence, under pain of the most rigorous prosecution that the law will allow.

The second object of the Court of Directors, namely, the liberation of persons detained as slaves at St. Helena, cannot, I apprehend, be effected under any authority here, but must be accomplished by the government of that island. And I do not see any difficulty which ought to prevent that government from setting at liberty and sending to their native land, the unhappy persons mentioned in the proceedings at St. Helena, which accompany this case, or any others in the same situation.

The law will never presume that any human being is a slave, but will hold to the strictest proof those who claim one of their own species as their property, and although I fear the truth is, that the laws which still obtain among the natives of these provinces, acknowledge a right of buying and selling certain description of persons as slaves, yet I conceive it incumbent on all who in any particular case rely on that right, to shew, by strict and full proof, the existence of the law which subjects to slavery the person claimed as a slave, and how, when and where, such person first became a slave according to that law. At St. Helena such proof cannot, I am persuaded, in any one case be given, and without it I am of opinion, even though it should appear that such native was sold or given away as a slave at that island by the person in whose service such native arrived in the island, he cannot be held in slavery.

The government at St. Helena is in my opinion invested with sufficient legal power to liberate such persons as are detained without due proof of the right to detain them as slaves; and that power the government at St. Helena is, I think, bound by law to exercise. But if the government at St. Helena should in any particular case refuse to liberate a person entitled to be liberated, a remedy cannot be obtained in any court of justice in India, St. Helena not being within the jurisdiction of any such court, the remedy must be sought in England.

To put an end to the practice of selling the free natives of India as slaves at St. Helena, which is the third object, it will, in my humble opinion, be advisable for the Governor General in council not only to direct that criminal prosecutions or civil actions should be instituted here against such persons as are amenable to the jurisdiction of the Supreme Court, and against whom sufficient evidence can be obtained, but also to require all persons, in whose service natives shall hereafter embark from hence, to give security against their being sold or given away as slaves.

Whether such a regulation will be sufficient to prevent in future the barbarous practice complained of, or whether any others more adequate to the end can be adopted, it is not my province to determine. But it is necessary I should add, that no criminal prosecution can, I fear, be supported here for the offence of selling a native as a slave at St. Helena, even though the person charged should be a British subject, and within the jurisdiction of the Supreme Court, inasmuch as the offence is not completed within its jurisdiction. If, however, evidence of the facts could be obtained here, civil actions at the suit of the persons sold might, I think, be supported here against persons within the jurisdiction of the Supreme Court, and criminal prosecutions for entering free natives on board ship, with an intent to sell them at St. Helena, might also be supported, and the actual sale at St. Helena proved as evidence of that intention. But even in that mode of prosecuting criminally, considerable difficulties would probably arise, and therefore I am of opinion, that actions are to be preferred to indictments, and that regulations tending to prevent the practice are most likely to be effectual for that purpose, than any prosecutions or suits which may be instituted in this country.

Calcutta, Aug. 3, 1794. (signed) *W. Burroughs*, Advocate General.

(A true Copy) (signed) *C. Shakespear*, Sub-Secretary to Government.

PROCLAMATION.

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WHEREAS the Honourable Court of Directors for the affairs of the East India Company, in consequence of information received by them from the Governor and Council at St. Helena, stating that sundry persons, natives of Bengal and other parts of India, had been unlawfully and unjustly sold as slaves at that island, did direct an advertisement to be published in this settlement for the discovery of such persons as had been guilty of the unlawful and inhuman conduct aforesaid; which advertisement was published accordingly, on or about the 9th day of September, in the year 1793, by and under the orders of the Governor General in council: And whereas the said Honourable Court of Directors, by dispatches since received at this presidency, have transmitted further orders on the subject aforesaid, and directed the most effectual measures to be taken, as well for liberating the unfortunate persons detained as slaves at St. Helena, in manner aforesaid, as for putting an end to a practice so disgraceful to humanity; and the Governor General in council has lately received from St. Helena detailed intelligence, on oath, sufficiently showing that some persons proceeding from India to England have been guilty of selling and disposing of several free inhabitants of these provinces, and of other parts of India, as slaves at St. Helena; and the Governor General in council is resolved, by all lawful means in his power, to discover and prosecute to conviction all persons who have so offended, or shall hereafter so offend, and also to suppress so disgraceful and cruel a practice; he therefore thinks fit to proclaim, and proclamation is accordingly hereby made, of the above recited orders from the Honourable the Court of Directors, and also that the secretary to the government at this presidency has been directed to receive and lay before the Governor General in council any information that may be sent to his office, touching any past or future instances of selling or giving away persons as slaves at the Island of St. Helena, and that the commission of such offence is strictly prohibited under pain of the severest displeasure of government, and the most rigorous prosecutions in the courts of law: And it is hereby further proclaimed, that criminal prosecutions for the public offence, and civil actions for the private injury arising from the unlawful sale, or giving away of any person as a slave at St. Helena or elsewhere, in the manner aforesaid, will be instituted here against such persons as are amenable to the jurisdiction of the Supreme Court of Judicature, and against whom sufficient evidence can be obtained to support the same; and moreover, that in future all persons in whose service natives shall embark from Bengal for England, will be required to give good and sufficient security against such natives being sold or given away as slaves at St. Helena, or at any other place or settlement during the voyage to Europe.

Proclaimed by order of the Governor General in council of Fort William in Bengal, this 8th day of August 1794.

(signed) *E. Hay*, Secretary to the Government.

Extract of a Letter from the Governor General in council of Bengal to the Court of Directors in the Commercial Department, dated 8th March 1795.

Par. 80.—We received on the 9th ultimo, from the Company's attorney, a draft of a bond to be executed by persons taking native servants from India, to secure those servants against being sold as slaves during any part of the passage to Europe, and, after determining that the penalty to be inserted in the bond should be one thousand sicca rupees, we gave orders for printing a number of copies of it, which have been executed in every instance that has occurred since the printed copies were received from the press.

Cons. 13th Feb. and 6th March.

Extract, Bengal Commercial and Shipping Consultations, 13th Feb. 1795.

Read a letter from the Company's attorney, to Colin Shakespear, Esq. Sub-Secretary in the Public Department.

N° 14.

Sir:—The accompanying draft of a bond, to be executed by persons taking native servants from India, having been prepared by me and approved of by the advocate general, I do myself the pleasure of transmitting such draft to you herewith, with my request that you will be pleased to lay the same before the Honourable the Governor General in council for his approbation.

I am, &c.

(signed) *William Jackson*,

Fort William, 9th February 1795. Attorney to the Honourable Company.

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The Board approve the draft of the bond transmitted with the above letter, and direct that it be sent to the superintendents of the press, with orders to strike off 300 copies of it immediately, that the engagements it provides for, may be executed by those who take home native servants.

Extract, Bengal Commercial Consultations, the 6th March 1795.

The Secretary referring to the Governor General in council, for orders relative to the amount of the penalty to be inserted in the bonds entered into for the security of native servants proceeding from hence to Europe, against their being sold as slaves during the passage, the Board determine that it should be one thousand sicca rupees.

Extract of a Letter from the Court of Directors, to the Governor General in Council of Bengal, in the Public Department; dated 3d July 1795.

Letter from Bengal, dated the 12th August 1793. (57.) Measures taken for carrying into effect the Court's orders relative to persons sold as slaves at St. Helena.

Par. 10.—We approve of the measures advised in this and in your subsequent dispatch of 18th August 1794, for carrying into execution our orders of the 25th February 1793, relative to persons, natives of Bengal, being sold as slaves at the Island of St. Helena.

Extract of a letter from the Court of Directors, to the Governor General in Council of Bengal, in the Public Department; dated 27th July 1796.

Commercial letter from Bengal, dated 8th March 1795. (80.) Advising their having prepared a penalty bond, to be executed by persons taking native servants from India, to secure those servants against being sold as slaves during any part of the passage to Europe.

Par. 106.—The humane purpose of this bond is sufficient to ensure our approbation of the measure.

PAPERS relative to a Complaint respecting a Slave Girl, seized and imprisoned at Serampore, 1792.

Extract, Bengal Public Consultations, 9th March 1792.

READ a letter from Mr. James Rees to Edward Hay, Esq. Secretary to the Government.

N° 21. Sir:—Sometime in the last year I had the honour of addressing a letter to you, in which I imparted to you the illegal and infamous proceedings of the agents or gomastahs of the Zemindars of this place, in seizing a number of unhappy wretches at different times, and carrying them to be sold as slaves to several chiefs or heads of the bawds or harlots and others; and also, for a trifling sum paid to them, will grant, or cause to be granted, a writing, vouching the purchasing and disposing of them; however, since then, the inhuman, nay, I may with more propriety say, infernal trade of human blood goes on briskly and openly, without the least apprehension of being called to an account; for since that period, many more of those helpless wretches have been sacrificed as victims to their rapacity. I will not at present transgress upon your time and patience with a detail of a great number of facts which are, beyond all contradiction, to be depended upon, but I must crave your humane and benevolent attention to the following particular circumstances which recently happened, doubting not that it will merit your serious consideration. Some days ago, an unfortunate girl that was stolen from her parents and country, and sold at Serampore, having evaded the vigilance of her female Cerberus, effected her escape, and reached this place; but while she was endeavouring to get over to Calcutta in the ferry-boat, in order that there she should be protected and noticed as one of the Company's subjects, she was stopped by some peons of one of the cutcheries (for they have here several of them belonging to different Zemindars), and confined according to their usual custom, to make a bargain of her; for if any person should come and claim the prisoner as his or her property or relation, and satisfy the cutcheries' chief pretended charges, &c. for having secured and maintained the prisoners, and peon's fees, &c. then the prisoners are delivered up; but in case, after a certain time being elapsed, none appeared to claim the prisoner or prisoners,

prisoners, or if the cutcherie's harpies think they can make a better bargain, then the prisoner or prisoners fall into the power of the highest bidder. Some days after the said girl's confinement, her cruel keeper, accompanied by some others, came in search of her, and having found the unhappy creature, claimed her as their property, and having previously settled the terms with those aforesaid cutcherie's harpies, the prisoner was formally to be delivered up to the claimants in public cutchery. I being informed of it, and being curious to see how they conducted themselves upon the occasion, repaired thither, and saw the poor helpless wretch in a most pitiful condition, pleading her hard case and the uncommon hardships and suffering that she had underwent, at the same time entreating those hard-hearted and unfeeling villains commiseration, to sell her to some other persons instead of delivering her up to her infamous and barbarous keeper; but all her remonstrances were fruitless and in vain. I was truly moved at this distressing tragedy before me, and asked the great man whether he would permit me to interrogate the prisoner a few questions; to which he consented. I desired the girl to relate to me her sad tale; she then answered, " That about two years since, herself and two others, her sisters, " were surprised by a gang of ruffians, seized and put on board a boat, carried away " from their native place near Dacca, and sold; that she was brought to Serampore, " and again sold to another of the bawds for the paltry sum of twenty-two rupees; " since then she was compelled to sign a paper in favour of the said bawd, and had " lived one year and several months with her, obliged to work hard by day, " and prostituting herself by night to all comers, for the emoluments of her bar- " barous keeper, at the same time she was most severely treated; that seeing no " end to her miseries, she at last eloped, and came to this place, &c." as related above; upon which I told the pretended great man, that by what she had deposed publicly the helpless prisoner was entitled to the protection of the government, and that he, according to his duty and the positive order of the Honourable the Supreme Council should cause the prisoner to be sent to Kistnagur before Mr. Readfern, who, I had not the least doubt, would afford her relief, as his humanity may judge proper, and her calamitous condition merit; to this he answered, that he was master of the place, and would act as he pleased, either to deliver her up or set her at liberty; I replied, that I had heard and knew many instances of his scandalous and unwarrantable proceedings; and that some time or other he should certainly answer for his unjustifiable conduct; saying this, I came away. Some hours after this, the said Gornastah (named Boirup Chokorputty) sent for me, and said that he had considered my representation, and would not deliver up the girl, although he had received a letter from the Zemindar of Serampore, desiring the said prisoner to be delivered to the bearer, or to pay the money claimed by her, which amounted to 113 S^a R^s; I desired him to shew me the said letter, which he produced, but I did not see in it any signature of the Zemindar, it was only sealed up with a Persian seal; as for the contents, I could not understand a word, it being wrote in Persian characters; therefore I told him that I very much doubted of the Zemindar of Serampore being acquainted with the above particulars, as I knew that most of the Danish gentlemen at Serampore were men of humanity, and the honourable Mr. Bee and the Zemindar himself had rescued numbers of helpless wretches from their unfeeling and cruel masters, and restored them to the blessings of liberty; the said Gornastah informed me, " that if " I chose I might have the girl, upon paying him about twenty sicca rupees for " his pretended charges, fees, &c." I replied, that it was not any other motive than that of humanity, which, as christians and Europeans, we were bound to fulfil, to which they were utterly strangers, that had induced me to speak in her favour; however, I would readily give him and his cursed crew, eight or ten rupees, and to convince him of my assertion, the girl should be free to go or stay where she might think proper; to this he would not agree, and said that the said woman that claims the girl, or some other person, had already offered him a gold mohur, but as he had interrogated the girl, and she was willing to go with me, he therefore gave me the preference; by which discourse, I soon perceived that he expected to make a better bargain with me; my answer therefore was, that as he had said before, he was master of the place, and could act as he liked, it was needless for me to argue with him any further, and then left him. The same day in the afternoon, he sent one of his Jernardars, and repeated the said proposal, and he received such like answer, &c. The next morning, about seven o'clock, I was alarmed by a cry or noise of some person in distress, in the back of the garden where I lived, and soon after a girl, in a most shocking condition presented

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herself to my view, entreating my protection. Upon inquiring, I found that it was the same girl, who the villain in order to avoid passing publicly through the village, was forcibly, by blows and kicks, conveying behind the garden, to put in a boat that was ready to receive her; but the poor and unfortunate girl happening to see me near my bungalow, by the greatest effort broke loose from her keepers, and ran into the garden; two or three of the unfeeling ruffians more daring, pursued her, and endeavoured to seize her, but I told them, that as the girl had reached my bungalow, if they attempted to commit any unlawful act, they must stand by the consequence of their temerity, and that by humanity and the law, I was bound to shelter the distressed from their barbarities and villainies, and to procure her relief, which I should certainly do, by sending her up to Mr. Readfern, and representing to him her calamitous situation, and all their wicked and violent proceedings, not only in this particular case, but also in many other instances of their rapine, violent assault, bloodshed, &c. &c. almost daily committed on or against the poor ryots in the Bazaar and elsewhere. The ruffians finding that they could not carry their point retired, but threatened and abused me most grossly, as soon as they got a little way off; shortly after, they being reinforced, returned, and would have compelled me to appear before the said Gornastah (Boirup Chokorputty) however, I told them that I would go to the cutchery when it suited me, for I was not accountable to any of their infamous court, and then, after having finished some homely business, I went to the cutchery to hear what the said Gornastah had to command. He immediately ordered that I must cause his prisoner to be delivered up, or else he would put me in confinement; to this I answered, that I defied him, and to do his worst; for if he should put me to a cannon's mouth to be blown up, I would not deliver up the girl, but should cause her to be sent to Mr. Readfern, &c. as said above.

I then would have returned to my dwelling, but he ordered a number of armed men to surround and detain me, who seized, and in a most opprobrious manner reviled me, and I was detained in the cutcherry several hours.

Being informed that some of Mr. Readfern's Tanadars or Zemindars had lately arrived here upon some business, I caused the prisoner to be delivered up to him, desiring that he would keep her in custody until I should represent before you the whole affair. The said Garnastah finding, after all his efforts, to intimidate me of no avail, then thought proper to dismiss me.

Therefore, Sir, I now most earnestly intreat that you will deign to take cognizance of this scandalous affair, and afford me your assistance to obtain a redress, as also to direct me whether I shall send the girl to you, or before Mr. Readfern I am ready, upon receiving your directions, to appear before the supreme council or to go up to Kistnagur, and to depose concerning the above fact, as well as all other scenes of rapine, roboery, fraud, &c. &c. which are daily practised by those inhuman ruffians, upon the poor harmless inhabitants, many of which acts even exceed the cruelties of that detailed.

In the meantime, I remain with the utmost respect, Sir, yours, &c.

Sulkey, 6th March 1792. (signed) *James Rees.*

Ordered, That a copy of the above complaint from Mr. James Rees, be sent to Mr. Readfern, the judge and magistrate at Kistnagur, with instructions to make a particular inquiry into the circumstances of it, and obtain such redress for the parties who have been injured, as they shall appear to be entitled to.

PAPERS relative to a charge exhibited before the Police of Calcutta, against Captain Quin, of the Nancy grab, by some natives of India, who alleged that they had been taken by him to Acheen, and were there left to be treated as slaves. 1793, 1794.

Extract, Bengal Public Consultations, the 6th September 1793.

N° 5. Read, a letter, and its enclosure, from the Superintendent of the Police, to the most Noble the Marquis Cornwallis, K.G. Governor General in Council.

My Lord:—I herewith beg leave to submit to your Lordship in council the enclosed representation of the several people mentioned therein, as taken down in writing by the deputy superintendent of police. The circumstances stated, and the grievances of which they complain, appearing wholly beyond the reach of the function of police, though apparently of very serious nature, I have not thought proper

to examine the parties on oath, but to communicate to the honourable Board their simple assertion of facts, and the names of the two captains now at this port (one of whom is very shortly to sail), as evidence in support of those facts; that your Lordship may direct, whether any or what steps should be taken in behalf of the complainants, and the people left behind them at Acheen, who they represent to be in great distress.

I have, &c.

(signed) *James Miller*, Superintendent.

Police office, 5th September 1793.

Police Office, Calcutta, 3d April 1793.

N° 6.

Judsing, havildar; Jagernaut, sepoy; Laul Sing, ditto; Durnee Sing, ditto; Connack Sing, ditto; Gopie Sing, ditto; Ram Sing, ditto, and Noyau Sing,—Inform and represent that they, together with forty-two others, of whom twenty were Mussulmen, were sent by Mr. Fairlie on board the Nancy grab, Captain Quin, to Acheen, on these conditions, that they were to serve the King of that place for three years; that the havildar was to have 14 rupees per month, and the sepoys were each to have eight rupees per month, and that they were besides to have their diet found them; that Mr. Fairlie paid them four months advance, and promised that at the end of three years, others should be sent to relieve them, and that then they would be allowed to return.

But they state, that after the Nancy's arrival at Acheen, one evening Captain Quin ordered them on shore, and said he would go on shore as next day, but that he sailed that night, and they saw him no more; that it is now four years past, and that they have heard nothing of a relief. They further say, that the king began to treat them very ill. He told them they were his slaves; that he had bought them of and paid for them to Captain Quin; that instead of giving them wages and diet according to agreement, he gave them no wages, and what only produced them about 27 seer of rice per month. They further say, that six of them were killed in war; that being in such a state of misery, they all earnestly wished to get away and come back to their native country; and that they who make this representation, made their escape; that four of them got on board the Rose, Captain Jackson, and four got on board the Bridgett, Captain Butler, who brought them to Bengal.

Captain Jackson says, he heard all the above account from many people at Acheen, and particularly from the shabundar, who is the king's merchant, who told him the king paid for each of the sepoys at the rate of five bancals (250 rupees) each. Captain Jackson is soon to sail.

Captain Butler says, he had the same accounts from many, and particularly from the shabundar. Jud Sing says, that there were thirty-three sepoys remaining at Acheen when he and his companions made their escape; also, that on their arrival here they went to Mr. Fairlie and told him how they had been treated; that Mr. Fairlie gave each of them five rupees, and ordered them to go to their homes. But they make this representation in the hope that their grievances will be redressed, and and that their friends, who still remain in captivity and misery, will be released.

This information taken by

(signed) *John Miller*, Dep. Superintendent of Police.

Ordered, That Mr. Fairlie be furnished with a copy of these proceedings of the police office, and desired to lay before the Board a relation of any circumstances that have come to his knowledge relative to the subject thereof; and,

Ordered, That if the men who have arrived from Acheen be in any immediate want, the superintendent of the police be authorized to make them a small advance of money to relieve it.

Extract, Bengal Public Consultations, 18th November 1793.

Read a Letter from the Superintendent of Police, to the Honourable Sir John Shore, Bart.

N° 20.

Honourable Sir:—Waiting the event of the "instructions which had been sent "to Mr. Fairlie, to desire the persons who made the agreement with the sepoys "returned from Acheen, to attend at the police office for the purpose of establishing "whether such agreement was made with their knowledge or otherwise, so that the "material point of difference between their statements be determined" as communicated to me in Mr. Sub-Secretary Shakespear's letter of the 7th ultimo, I have

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hitherto endeavoured to quiet the minds of those sepoys in the idea that the intimations to Mr. Fairlie of the pleasure of the Honourable Board, might induce the ostensible contradicting parties to come forward for the above quoted purpose.

2.—To this end it became necessary that I should require the constant attendance of the sepoys, and to acquaint them with the cause, not knowing when Mr. Fairlie's people might appear.

3.—The sepoys expressing their gratitude to and confidence in government, for having thus humanely directed an inquiry from which they hoped redress for themselves, and liberty and restoration to their native country for their fellow sufferers; six of the eight have punctually given their attendance as required; two of them having gone into private service before the order for their attendance was announced to them.

4.—Hitherto, however, no person on the part of Mr. Fairlie has appeared, nor any intimation been given to the office of police, that any one would attend.

5.—During ten or twelve days the sepoys waited without expressing any perceptible degree of impatience, but finding that no person appeared to confront them, and declaring that the temporary means of subsistence with which I had supplied them, in consequence of the sub-secretary's letter of the 6th September were wholly expended, they have since become more importunate, and even began to indicate doubts of my having done justice to their case, in the representations I had made to government respecting it, and the information I had given them in consequence.

6.—I at first pacified them with the assurance that I was very desirous the truth should be ascertained, but that I could not again trouble the Governor General in council on the snbject, until I had further ground for supposing that the intimation sent to Mr. Fairlie might fail in producing the attendance of the people with whom the agreement appeared to have been entered into.

7.—Such being the present situation of the case, I trust I shall not be deemed guilty of precipitancy in no longer delaying to submit to the Governor General in council the purport of the further representation of those men, in regard to the agreement which was exhibited and explained to them on the 27th September last.

8.—Persevering in their denial of having ever executed that agreement, to the truth of which they all declare themselves willing to make oath, as also of their never having heard of the king of Acheen till after they were at sea, and of their belief till then that they were engaged for the protection of a new place of trade on account of the English, and to be relieved in three years, they urgently asked me how it could be imagined that they would have consented for ever to relinquish their kindred, their friends and native country, merely for the sake of a present subsistence, in order to place themselves under the absolute will of any power, independent of the authority of this government, and who possesses the means of detaining them during the whole of their lives, howsoever anxious they might be to return. This they say they would not have done; and that rather than have done so, they would have submitted to beggary in this country. They also add, that if they had been weak enough to adventure upon such terms, could they have had any idea that such a clause had been meditated, the stipulation contained in the written agreement explained to them on the 27th September, by which they were to renounce all future claim, or means of complaint against the parties with whom they contracted, must have opened their eyes to the dangers they were unknowingly about to encounter, and thereby have wholly prevented the evils which have since befallen them, and their still now more unfortunate subadar and companions left behind them.

9.—These representations they call upon me, honourable Sir, to lay before you, in corroboration of their denial of the authenticity of the English written agreement which has been produced.

10.—They also declare their entire incapability of reading or comprehending what is written in the Bengalee language, and that therefore they were obliged to depend on the explanations which were given to them by Mr. Fairlie's sircar, of the contents of the Bengalee paper, which they before acknowledged to have signed for the receipt of four months wages, and which he told them contained a proviso for their exchange and return at the end of three years.

11.—They again appeal to the two captains, on whose vessels they found the means of escaping from Acheen, in regard to their known or reported condition and treatment whilst there; and, finally, they look up with humble hope for the protection of this government, whose subjects they pointedly claim to be, that the circumstance of their case may be fully inquired into, and taken into consideration.

12.—Having

12.—Having thus, in obedience to the order which I received, under date the 7th of last month, faithfully reported " to the Governor General in council the " result of the further examination," then " directed to be made," and quoted as above. I have the honour, &c.

Police Office, 15th Nov. 1793. (signed) *James Miller*, Superintendent.

Ordered, That a copy of the letter from the superintendent of the police be sent to Mr. Fairlie, and that he be desired to insist upon the attendance of the persons who made the agreement with these sepoys at the police office, so that the fact of their concurrence in such agreement may be decidedly ascertained.

Ordered, That notice of this resolution be sent to Mr. Miller.

Extract, Bengal Public Consultations, 27th January 1794.

Read Letters and Enclosures from the Superintendent of Police to the Honourable Sir John Shore, Bart. Governor General in Council. N° 7.

Honourable Sir:—On receipt of Mr. Sub-Secretary Shakespear's letter of the 18th November last, I communicated to Jud Sing, havildar, and the other sepoys returned from Acheen, the pleasure of the honourable Board, that Ramduloll should be again called upon to attend the office of police, to determine the validity of the English written agreement which had been produced by Mr. Fairlie, as that which the parties therein named voluntarily assented to and executed, for entering into the service of the king of Acheen, but which such of them as escaped from Acheen, still persist in denying all knowledge of.

2.—Some days after, Mr. Fairlie, in a note directed to the deputy superintendent, intimated that his sircar's ill state of health did not admit of his attending the cutcherry, but that when he might recover, he should attend.

3.—Upon my communicating this cause of delay to the sepoys, who almost daily importuned me with a reiteration of their complaint, they hesitated not to declare that this could be no substantial obstacle against the inquiry which had been ordered, because that though Ramduloll might not attend his master at his own house, he held a dufter connah near to the Arminian church, in which he transacted business even before their embarkation in the ship which conveyed them to Acheen, and that this therefore was only an excuse for avoiding an inquiry, which would have established his innocence, or proved the hardships and injuries which they and their companions had, and still do, suffer from his injustice.

4.—Not however deeming it proper to give credit to allegations supported only by a declaration of their opinions, I endeavoured from time to time to quiet their impatience; but finding myself beset, wheresoever I went, with repetitions of their complaints, and called upon to apprise the Governor General in council of the delay which had taken place in executing the orders which had been given, I could no longer, consistently with the duties of my station, postpone a compliance with their request.

5.—They also demanded of me, that I would submit to the Governor General in council, their representations of the treatment they have met with from Ramduloll, and the circumstances which have passed between him and them since the last order was issued. I thought it necessary, however, ere I agreed to this demand, that they should state whatever they had to represent in writing, to which they readily assented, and a Bengalee writing was accordingly drawn up, stating the facts they declared to, and to each of which, when read in their presence, they were questioned by myself and the subscribing witness, before it was executed by the five sepoys, who were then present.

6.—This writing imports, that they had received due information of the last order which had been issued in regard to the subject of their complaint, and of the delay which had been assigned by Mr. Fairlie for the non-appearance of Ramduloll in compliance therewith. It likewise imports, that about a month ago, some of them went to dufter connah above mentioned, near the Armenian church, where Ramduloll was transacting business; that he and they had much disputation with each other, but that in the course of this altercation, he advised them to go and take hold of Mr. Fairlie's feet, and of his (Ramduloll's) feet, and he would speak to obtain them half their wages; but that if this would not satisfy them though they should complain a thousand times, they would get nothing; that to this they answered, that when their companions were restored to liberty, and the whole of the wages due to all of them were paid up, they would then cease to complain, but never

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otherwise; and in regard to the misery he had occasioned them, they would leave him to the judgment of God.

7.—The writing further imports, that they had no further conference with Ramduloll at his dufter connah, but that about fifteen days ago, passing by his own house, they saw him from the road, sitt ng in his verandah, but had then no speech with him; and that on the 14th inst. they went past his house, but not seeing him, they inquired of the neighbours, who declared that they knew nothing of his being in ill health.

8.—They next remark, if Ramduloll had not been conscious of the injuries he had done them, he would have no cause to offer them any ; and in conclusion, they state, that on Wednesday the 15th inst. some of them went to Ramduloll's dufter connah, where they saw him inspecting papers, and that after this, he went to the house of Mr. Blythe, from which, after some stay, he repaired to Mr. Fairlie's, wither they followed him, and desired a hircarrah of that gentleman to take notice that Ramduloll was not sick. I have, &c.

(signed) *James Miller*, Superintendent.

Police Office, 20th January 1794.

(A true copy) (signed) *John Miller.*

The Governor General in council being of opinion that the best mode of arriving at the truth, upon the complaints made by the sepoys who have returned from Acheen, and of obtaining redress for the persons who have been injured, will be by a prosecution in the court;—

Ordered, That the several papers and representations that have been received upon the subject, be sent to the Company's attorney, and that he be desired to consult the advocate general, and be guided by his opinion in respect to the proper steps to be taken for those purposes.

Extract, Bengal Public Consultations, 3d March 1794.

Read a Letter from Mr. Fairlie to Edward Hay, Esq. Secretary to the Government.

N° 9. Sir:—I Beg leave to inform you, that Ramduloll, the sircar, against whom the sepoys, who came from Acheen, have complained, is now in some degree recovered, and is ready to attend the police officer, to prove the agreement which he made with them.

'I therefore request that the opinion of government may be suspended until his examination takes place; and have the honour to be, &c.

Calcutta, 1st March 1794. (signed) *W. Fairlie.*

Extract, Bengal Public Consultations, 19th March 1794.

The secretary acquainting the Board that he has been advised by the Company's attorney, that the sepoys from Acheen, (upon whose complaint, in order to ascertain the truth of it, instructions were sometime since given to the law officers), are in the greatest distress for subsistence; he is directed to order the attorney do make them the same allowance that was formerly granted to them by the superintendent of the police.

Extract, Bengal Public Consultations, 21st April 1794.

Read a Letter from the Company's Attorney to C Shakespear, Esq. Sub-Secretary.

N° 14. Sir:—On the 7th day of February last, I received your letter of the 27th of January, with the several inclosures in the list thereto annexed, and conveying to me the commands of the Governor General in council, that I should consult the advocate general, and be guided by his opinion in respect to the proper steps to be taken to afford the sepoys returned from Acheen redress for the grievances they complain of.

On the same day I submitted your letter, and every paper accompanying it, to the advocate general.

On the 14th of March I received yours of the 3d of last month, inclosing copy of a letter from Mr. William Fairlie to the secretary to the government, stating that Ramduloll, the sircar against whom the sepoys from Acheen had complained, was recovered, and ready to attend the police office, and requesting that the opinion of government might be suspended until the examination of the sircar should take place.

This letter, together with its enclosure, I immediately forwarded to the advocate general, in addition to the former papers on the same subject in his possession.

A few

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A few days ago the advocate general directed me to make inquiry whether any papers or proceedings had, in this business before the late superintendent of the police, been made over to the present office of the Justices of peace.

I accordingly made application in writing on the subject to Mr. James Miller, the late superintendent, who in answer informed me, that no record of any thing which passed relative to the complaint was made in the book of judicial proceedings of the police office, but that copies of his correspondence on the subject would be found in his official letter book, which he delivered over, with the other documents belonging to his late office, to the office of Justices of peace.

This circumstance I have communicated to the advocate general, and have also suggested to him that there is no specific judicial charge against the sircar, called Ramduloll, before the Justices of peace, they cannot call upon him to answer. In reply to this, the advocate general, considering your letter to me of the 3d of March as a suspension of the orders contained in that of the 27th of January, until the examination of the sircar could be taken, has directed me to submit to the further pleasure of the Governor General in council, whether, by taking the sepoys before the Justices of the peace, and procuring their depositions to be formally and judicially recorded, I shall lay grounds before them for a regular summons to Ramduloll to answer the charges upon oath, or whether I shall previously send for Ramduloll, and take his verbal and extra judicial account of the transaction without oath.

Fort William, 15th April 1794. I am, &c.

(signed) *William Jackson*, Attorney to the Hon. Company.

Ordered, That the Company's attorney be directed to call upon Ramduloll' sircar, and take his verbal account, without oath, of the transaction between him and the sepoys returned from Acheen.

The Governor General in council, on receipt of Mr. Jackson's report, will determine on the necessity or otherwise of a judicial process against the sircar.

[It does not appear that Mr. Jackson made any further report upon this subject.]

PAPERS relative to the Conviction and Punishment of some Natives of Bengal, who were detected in kidnapping children, and selling them into Slavery, 1794.

Extract Proceedings of the Nizamut Adawlut at Bengal, the 5th February 1794.

Court of Circuit for the Division of Calcutta, with the Trial of Dennah, Mussumaat, Luckoo, &c.

To G. H. Barlow, Esq. Register, to the Nizamut Adawlut, Fort William.

N° 12.

Sir:—WITH this, you will receive the futwa of my law officer on the trial (N° 59.) of the Midnapore calendar of Shazaddee, Dennah, Luckoo and Joraweer Khan, charged with kidnapping children, accompanied with a Persian copy and translate of the record; it was inadvertently omitted in my address to you, under date the 26th ultimo, which was intended to enumerate all the trials referable and included in those transmitted to Mr. Fendall; the mistake has since been rectified, and it is now submitted to the final decision of the court.

2.—To that part of the futwa which respects Shazaddee, equity and humanity alike prompt me to object in the strongest terms. Her crime (which has been fully established, and happily the completion of the bitter consequences it involves as fully defeated), is of a nature to break asunder the tenderest ties, and to consign its innocent victims, either rudely torn, or cruelly seduced from their parents home, to hopeless slavery, to experience in the course of it, too probably, no wages but stripes, no relief but death. Such is the complexion of her guilt. What says the futwa, which, regulated by Mussulman justice, weighs, it would seem, in the same scale of moral turpitude, the stealing of a cur dog and the kidnapping of a child. Thirty-five strokes with a rattan and four months confinement, which if changed to hard labour and imprisonment for life, although still disproportioned to the extent of her offence (indeed, what degree of legal rigour can reach it) might, perhaps, eventually operate to deter others from the practice of similar enormities.

3.—To that part of the futwa which relates to Dennah, I yield reluctantly my acquiescence, because, after making every reasonable allowance for his youth, destitute of protection, and struggling with poverty, I know, certainly, that even under those circumstances, the punishment awarded him is inadequate, but I know not

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how satisfactorily to apportion it; that province, however, finally belongs to supreme authority; it is mine merely to state my opinions freely and conscientiously, when I cannot but acknowledge my insufficiency.

4.—Luckoo and Joraweer Khan stand acquitted, probably, enough; the presumptive proofs against them do not amount to conviction, and positive proofs there are none.

I am, &c.

(signed) *R. Bathurst*, Acting Senr Judge.

Beerbhoom, 24th December 1793.

N° 13.

N° 59.—Midnapore, the 12th November 1793.

AT a Court of General Gaol Delivery of Midnapore, holden at Midnapore on the 12th November 1793, before Robert Bathurst, Esq. Acting Senior Judge, and Mufty Abdul Baset.

Shaick Monoohur, Bux Roy, Buxoo senior and Buxoo junior, *versus* Dennah Mussumaat, Luckoo, Mussumaut Shauzaddee and Zorawar Khan, charged with kidnapping children.

Shaick Monoohur, prosecutor, in the presence of the prisoners, stated his charge on oath, as follows:

My son, by name, Guggoo, eight years of age, went to the great Bazaar at Midnapore, at twelve o'clock, to buy some jell paun; he was lost from that place, and upon searching after him, could not be found; some days after, this same Buxoo, junior, informed me that my son was in confinement in the Sepoy Bazaar, and when he calls his father and mother, a woman slaps him in the face; on hearing this, I told Moteeram Cutwall of it, and he brought all of them before the presence.

Bux Roy, prosecutor, in the presence of the prisoner, stated his charge on oath, as follows:

My son, by name Fackeer Roy, went one day for to beg his bread towards the Sepoy Bazaar, when a woman and another person coaxed him with sweet words, took him away, and concealed him in their house; I searched for him every where, both in the Bazaar and lanes, but could not find any traces of him; after that, Moteeram Cutwall seized the prisoners and my son, and brought them to the Cutcherry; on being asked, he said that this same Dennah coaxed away my son, who is about twelve years old.

Buxoo, senior, a child of about years old, represented as follows:

I went to Ally Gunge Haut, when this same Dennah gave, into my hands, two luddoos, a kind of sweetmeat, and said to me, stay with me, and I'll take care of you and give you victuals; having said this, he enticed me away, and gave me in charge of Mussumaut Shauzaddee.

Buxoo, junior, a child of about five years old, represented as follows:

That Dennah coaxed me away, with a promise of giving me victuals and clothing, and took me to the Sepoy Bazaar, and kept me confined in one place, and would not let me go out.

Moteeram Cutwall represented as follows.

On the 20th of September 1793, at 1 pahar 4 gurries at night, Buxoo, a boy of about ten years old, inhabitant of Ally Gunge, informed me, and said, that Dennah, a person's name, enticed me away, and took me to the Sepoy Bazaar, where he concealed me in a house where there were four more children. I took an opportunity and have run away, and come here; Dennah took from me two silver ballahs, and a silver necklace (hassellee), on having heard all this, I went to the Sepoy Bazaar, and saw that a sepoy, two women, and the said Dennah and four children were sleeping in one house; at the time I arrived at the Sepoy Bazaar, the door of the house was shut with a tauttee; on making a noise, the sepoy came out of the house, and asked me for what reason I had come at that time of night. I asked, there are three or four children here, therefore I am come. The sepoy said, "What, have "you come from the boy's information? If you wish yourself well, go from hence." Nevertheless, I did not go, but said to Monooher, "Do you call your son by his name, and if he is there, he will answer you;" he called his son Juggoo, and he, on hearing his father's voice, came out crying. I at that time having placed a guard, went to the adjutant, and gave him information; he sent two sepoys along with me. When we went to the place where the children were, and lighted a cheraug, and brought from under the bed three children, where they were placed. We then gave, under the charge of the adjutant, the sepoy and his woman; the other woman, Dennah, and the four children, I brought to the Cutwally guard house.

Dennah,

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Dennah, the prisoner aforementioned, represented as follows:

I went to the Bazaar, and saw that the children present were begging in it. I, on seeing them, asked, Have you relations, or are you without father and mother? They answered, We have no one; if any one will take us, we will remain with him. For this reason I took them along with me to Mussemaut Shahzadder, who told me, and gave me four pice for my labour, that if you can find any children any where, bring them and give them to me.

Mussumaut Shahzadder, on being asked, said as follows:

I am to Mussumaut Noor Ichean, woman to Mr. Motte. I came to Midnapore to sell shoes, and remained at the house of Mussumaut Luckoo; there is no relationship between us, but I lived at the house in Calcutta. On being asked, she said, I neither coaxed the children, or kept them; before my arrival, the said Dennah, having brought some children, placed them at Mussumaut Luckoo's house, and she concealed them under the bed. I knew nothing respecting enticing the children. Mussumaut Luckoo aforementioned, on being asked, said, that Dennah used to beg for his livelihood, and was at my house two or three months; after some months I turned him out of my house; I never told him to bring me any children, and he unjustly accuses me, and I do not know when the children were brought. Mussumaut Shahzaddee was at my house four days, but was alone, and I never saw the children along with her during those days; the day that she brought the children, and placed them in the house, I went to the haut; in the evening I returned from it, and having eat some victuals, went to bed, at twelve o'clock at night; the cutwall then came and seized the said Shahzaddee, and brought the children out of the house. I at that time awoke, on account of the noise of the people, and saw the children.

Zorawar Khan, prisoner, on being asked, said, That in the day time I always remain in the lines; at night I take leave and come home to eat my dinner; the night that the cutwall seized Mussumaut Shahzaddee, and brought out the children from the house, I came home as usual to eat my dinner. That night I saw the children and Shahzaddee at my house, and never saw them before that time.

Question. It is the custom, that when one sees an entire stranger in one's house, to ask his history, both of himself and those living in one's house, did you, on seeing her, ask her or your wife's mother her history or not?—*Answer.* I did not ask.

Dennah, on being asked, said, I cannot prove that Shahzaddee told me to bring children, or that she gave me four pice for my labour.

Alif Khan, sepoy, witness, in presence of both parties, gave evidence on oath as follows:

One night, at eleven o'clock, Moteeram, cutwall, went to the adjutant, and said, that at a sepoy's house there are some children; and on my demanding them, he hinders me from taking them. On hearing this, the adjutant sent me to Noor Ally, sepoy, along with the said cutwall for to seize the said sepoy. We having arrived at the sepoy's house, saw that Zorawur was standing at his own house, we asked him why he hindered the cutwall. He said, I did not obstruct him. After that, we took Zorawur to the adjutant. He said, There are thieves at your house, why do you not give them up to the cutwall? Zorawur said, I was on duty, but to-night I went home, and I know nothing of it; after that, I, Noor Ally and the sepoys, together with Moteeram, arrived at Zorawur's house, entered it, lighted a cherang, and upon searching, brought from under the bed and muchaun three children, who were concealed there, and took them before the adjutant, and by his order went back for to bring Mussumaut Luckoo, Shahzaddee and Dennah; when we saw that some men were making a noise, and saying, that there is a child concealed under Mussumaut Shahzaddee's petticoats. On hearing this, we went near her, and brought from under her petticoats a child. After that I took her, Luckoo Dennah, before the adjutant; he placed the sepoy and Luckoo by him all that night, and gave Mussumaut Shahzaddee, Dennah, and the children in charge of Moteeram, cutwall.

Noor Ally, sepoy, witness, in presence of both parties, gave evidence on oath, exactly as Alif Khan.

Moteeram, cutwall, on being asked, said, that in all there were five children, out of them one was a girl, who is dead; the four remaining ones are in attendance.

From the foregoing, Dennah and Mussumaut Shahzaddee are subject to tazzeere, and Mussumaut Luckoo and Zorawur Khan ought to be released.

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Ordered, That Dennah do receive twenty-five stripes of the tazzeeannah and that Mussumaut Shahzaddee do receive twenty-five stripes of a rattan, and be imprisoned for four months, and then to be released on executing a mochulkah; and that Mussumaut Luckoo and Zorawur be released, on executing a mochulkah; and that Fackeer Roy and the rest of the children be given in charge of their heirs.

(A true translation.) (signed) *Abdul Baset*, Mufty.
(signed) *J. Imhoff*, Registrar.

(signed) *R. Bathurst*, Acting Sen. Judge.

The following is the futwah of the law officers of the Nizamut Adawlut, on the above trial.

N° 14.

Dennah deserves to receive thirty-nine stripes of the tazzeeannah, and that Mussumaut Shahzaddee deserves to receive twenty-five stripes of the tazzeeannah, and both of them are to be confined one year longer.

Zorawur Khan and Mussumaut Luckoo are to be released.

(L. s.) *Mahomed Nujin-ud-deen.*
(L. s.) *Ameer Hyder.*
(A true translate.) (L. s.) *Mohummud Moshurruff.*
(signed) *Jas. Stuart*, Assistant.

The court, although they consider the punishment to which the prisoners, Dennah and Shahzaddee, have been sentenced, insufficient, yet, in conformity to the regulations, they are under the necessity of confirming the futwah of the law, the sentence passed upon the prisoners by the law officers of the Nizamut Adawlut, and accordingly resolve as follows:

That Dennah and Shahzaddee, having been sentenced by the law officers of the Nizamut Adawlut to be confined for one year, and the former to receive thirty-nine stripes, and the latter twenty-five stripes, with a tazzeeannah, the court order, that they be made to undergo the said corporal punishment, and be confined for one year from the 5th February 1794.

Zorawur Khan and Mussumaut Luckoo, having been sentenced to be discharged, the court order that they be released.

The court, taking into consideration the necessity of deterring others from the crime of which the prisoners have been convicted, Resolve, That the punishment be inflicted in the public bazaar, at the magistrates place of residence, and that their crime be at the same time published by beat of tom, tom, and that notification be given in the same manner and by a writing to be fixed up in the cutcherry of the magistrate, that the prisoners had stolen three other children, with the names of the children, if they can be ascertained, that the parents and relations may appear and claim them.

That in the event of any persons appearing to claim them, that they require them to prosecute them for having stolen the children.

That the magistrate be directed to take charge of the three children, and maintain them at the public expense, until they shall be claimed by their parents.

EXTRACT from the Proceedings of the Nizamut Adawlut, at Calcutta, 4th Sept. 1794.

N° 4.

An Extract from the trial of Mirza Abass, Mirza Abdulla Beg, Allahdaad and Shereef Khan, on a charge of murder.
(involving a question as to the admissibility of slave testimony.

Mr. Grindall's Opinion.

1st.—It is proved by the evidence of Mussummaut Shamburn, Chambelle, Kuddum Khyre, and Sheegofa, and Munglee Jesha, and Govind Ram Gozurbaun Soubaung Sing, and Attamul Kotewall, that the apartments of Hajee Mahomed Cassim in the house of Arab Ally Khan, were attacked, that the wife of Hajee Mahomed Cassim was murdered outright; that Hajee Mahomed Cassim himself died seven days after of the wounds he then received; and that a box and bundle were discovered under the wall, over which it is asserted the thieves made their escape.

2dly.—It is proved by the evidence of Mogbloo, Emaum Ally Govind Ram, and Soubaung Sing and others, that when the attack was made and the murder committed, the door leading to Hajee Cassim's lodgings was locked, and that he himself opened it, upon the arrival of the above-mentioned witnesses, after he had been wounded.

3dly.—It

3dly.—It is proved by the evidence of Attamul Kolewall, Moghloo, Emaum Ally, Govind Ram and Sobaung Sing and others, that the prisoners occupy another part of the house of the late Arab Ally Khan, and that the apartments of Hajee Mahomed Cassim are only approachable in a clandestine manner, over the apartments of the prisoners, when the lawful entrance by the door is shut.

4thly.—It is proved by the evidence of Mussumaut Shaumburn, Chambalee and Kuddum Kyre and others, and by the declaration of Hajee Mahomed Cassim himself, taken on oath by the kotewall, by order of the magistrate, that the thieves climbed upon a wall in Hajee Mahomed Cassim's lodgings, by which they ascended to the roof of one of his apartments, and from thence they retired over the roof, to the apartments occupied by the prisoners.

5thly.—It is proved, that besides Hajee Mahomed Cassim and his family, Mirza Abass and the other prisoners and their companions, and the proprietor of the house, Fatima Khanum, daughter of the late Arab Ali Khan and her servants, there were not any other persons in the house.

6thly.—It is proved, that a party of the night patrol arrived, whilst the cry of distress was heard, and others after it; that they immediately surrounded the house of Arab Ali Khan, and stopped every leading into it, and completely prevented the egress of any person from the house.

7thly.—It is proved by the evidence of Attamul Kotewall, Kishna Sing, Govind Ram, and Subaung Sing, that swords, clothes, and a rag were discovered concealed under rubbish, and under beds in the lower apartments of the prisoners lodgings, upon which were perceived evidently, recent stains of blood.

8thly.—It is declared upon oath, by Mahomed Beg, that Mirza Abass, Abdullah Beg, Mahomed Hyaut, and the witness himself, prepared a ladder, and introduced it into their house in a secret manner, and that Callen, a blacksmith, prepared iron instruments of an uncommon make (to which fact the blacksmith has himself given evidence on oath); that the prisoners Abass and Abdullah Beg communicated their design to him, and invited him to become a party, attacking and plundering the apartments of Hajee Mahomed Cassim, a moghul of wealth, who had taken up his abode in Arab Ali Khan's house, and that the prisoners took him upon the roof of their apartments to point out with what ease it might be effected; that upon his refusing to become an accomplice they beat him, and turned him out of the house; and ultimately being apprehensive of his making a discovery of their intentions, they caused his confinement in the Dewanny Jail, on a pretended claim of rupees 400, the price of a horse; the latter declaration of Mahomed Beg is corroborated by the evidence of Abdool Kerim, the vakeel engaged by Abdullah Beg, to prosecute the suit, and also by the absconding of Mahomed Hyaut, in whose name the claim was made, when he heard the prisoner was ordered to be fettered.

9thly.—Jaffer Beg also positively swears that Abass and Abdullah Beg invited him to be a party in the plundering of Hajee Cassim's house, and corroborates the evidence of Mahomed Beg regarding the ill treatment he received from Abass and his companions in consequence of his refusal to become a party in the attack of Hajee Cassim's house, and both the above declarations are strongly supported by the evidence of Fukeer Chund and Joogun Loll, the mutsuddies of Ali Ismael Khan, who undertook to write and forward Mahomed Beg's complaint against Abass, in the Foujdarry Adawlut.

These prisoners being admitted, the possibility of an attack from without, is completely precluded. Hence it is fairly presumable, the attack upon Hajee Mahomed Cassim's apartments, and the murder of him and his wife, was perpetrated by a party of the lodgers then in the house of Arab Ali Khan.

The admissibility of the plea of the prisoners, that the evidence of Mahmood Beg was dictated in malice and resentment, is in my mind completely destroyed by the means; it is proved that the prisoners concerted to keep him out of the way, but however otherwise plausible the plea of resentment on the part of Mahomed Beg may appear, when it be considered the notoriety of the infamous character of Mirza Abass and Abdullah Beg, established in such a body of evidence, and supported by such a variety of circumstantial proofs to the facts of the attack and murder, the admission of the above plea even can have little weight, and the proof of Mirza Abass and Abdullah Beg having perpetrated the murder of Hajee Mahomed Cassim and his wife, appears to me as clear as the strongest circumstantial evidence can establish any fact whatever. With respect to the other two prisoners Shereeff Khan and Allahdaad, it is clearly proved they were the companions of

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Mirza Abass, and the latter in a menial capacity; and although it is not proved that they were confederates, or in the secret of the design of Abass and Abdullah Beg, in regard to the attack upon Hajee Mahomed Cassim's house, it is still inferrable from the quarrel which took place between Mahomed Beg and Abass, and the circumstances of it, from the mode in which the prisoners lived and associated together, that Shereef Khan and Allahdaad could not have been privy altogether to what was intended, or the modes of life of Mirza Abass and Abdullah Beg, which are fully proved to be infamous, and that Shereef Khan and Allahdaad, on these grounds, I am of opinion, should be considered as accessaries.

I am therefore of opinion, upon a serious consideration of this trial, that Mirza Abass and Abdullah Beg should suffer death as principals, and that Shereef Khan and Allahdaad as accessaries, should be transported to the Andamans, and be there confined to hard labour for the space of fourteen years.

Patna, 19th August 1794. (signed) *B. Grindall*, third Judge.
(A true copy.) (signed) *R. K. Dick*, Assistant Register.

No 5.

The following is the futwah of the law officers of the Nizamut Adawlut.

The murder of Hajee Mahomed Cassim, and of his wife, by the hands of Mirza Abass, Abdullah Beg, Allahdaad, and Shereef Khan, is not proved, because the four defendants deny the fact, and the witnesses are females, whose testimony in cases of kissaans is not admitted. Besides which, Syam Burrun, Chambaly, Shagofa, and Kuddum Khire, are the slave girls of the said Hajee, and the evidence of slaves to prove the right of the master ought not to be admitted; but it appears from the declaration of Koodwrut Ullah, a peon of the cutwall, and of Attamul, cutwall of Kissen Chund, a peon of the cutwall, and of Syed Sadie, that a sword and cloth stained with blood, still fresh, recently shed, were taken from the house of Mirza Abass, and that it is practicable to enter the house of Hajee Mahomed Cassim, from the house of Mirza Abass; and that on three sides of the house there is no passage for thieves to enter, and that the lock of Hajee Mahomed Cassim's door was not opened during the tumult; and it appears from the evidence of Mahmood Beg, and Jaffeer Beg, that Mirza Abass and Abdullah Beg, prepared an iron instrument for the purpose of forcing the lock of Hajee's door, and showed a strong inclination to rob him. From these circumstances, a very strong suspicion of this crime falls on Mirza Abass, and Abdullah Beg, and they should both be condemned to perpetual imprisonment.

Mirza Allahdaad, who, from the depositions of Syam Burrun and Chambaly, incurs the suspicion of murder, and of participating in the guilt of Mirza Abass, whose servant he was, and in whose house he was the night of the attack on Hajee Mahomed Cassim, deserves to receive 25 stripes of the tazzeeannah, and to be confined five years longer. Shereef Khan, who is suspected on the declaration of Syam Burrun, and who, the night of the quarrel, was at the house of Mirza Abass, whose servant he is, deserves to receive 15 tazzeeannas, to be confined one year longer, and thereon to be released.

(L.S.) *Ameer Hyder*,
(A true translate.) (L.S.) *Mohummud Moshurruff*.
(signed) *H. St. George Tucker*, Assistant.

Sentence of the Court.—Mirza Abass and Abdullah Beg, charged with the murder of Hajee Mahomed Cassim and his wife, have been declared by the law officers of the Nizamut Adawlut, liable to be confined for life; the court sentence the said prisoners to be imprisoned, and kept to hard labour for life at the Andamans. Allahdaad having been convicted of being an accomplice in the murder of the deceased, and declared liable to be punished with twenty-five stripes with the tazzeeannah, and to be confined five years longer, the court sentence the said prisoner to undergo the above-mentioned corporal punishment, and to be confined for five years from the 4th September 1794, and to be then released, provided he shall find one creditable person who will become security for his attendance whenever it may be required. Shereeff Khan, having also been convicted of being an accomplice with the above-mentioned prisoners, and declared liable to be punished with fifteen stripes with the tazzeeannah, and to be confined for one year longer, the court sentence the said prisoner to undergo the above-mentioned corporal punishment, and to be confined one year from the 4th September 1794, and then to be released, provided he shall find one creditable person who will become security for his attendance whenever it may be required.

PROCEEDINGS upon an Allegation of having murdered a Slave Lad, exhibited by a Native Woman, against Lieutenant Nicholas Munnick Arctander. 1795.

Extract, Bengal Judicial Consultations, 13th March 1795.

Criminal. N° 13.

From Major Scott, Deputy-Adjutant General, to G. Barlow, Esquire, Secretary to the Governor General in Council.

11th March 1795.

Sir:—I have the honour, by direction from the Commander-in-Chief, to enclose to you the following papers.

Letter from the acting brigade major at Danapore, to the deputy adjutant general; dated 30th January 1795. N° 1.

Paper of allegations against Lieutenant Arctander, mentioned in N° 1. N° 2.

Proceedings of a court of inquiry assembled by order of Lieutenant Colonel Nicol, commanding at Danapore, to investigate the allegations contained in the paper N° 2. N° 3.

Letter from the magistrate at Patna, enclosing depositions taken before him in consequence of a desire from the commander-in-chief. N° 4.

The commander-in-chief requests, that you will lay these papers before the Governor General in council, with his recommendation that they be referred to the advocate general for his opinion. I am directed to mention to you, that Lieutenant Arctander is under close confinement in his quarters at Danapore.

I have, &c.

(signed) *Wm. Scott*, Deputy Adjutant General.

Adjutant General's Office, 11th March 1795.

Major William Scott, Deputy Adjutant General, Head Quarters.

N° 14.

Sir:—I am directed by Lieutenant Colonel Nicol, to transmit to you the proceedings of the court of inquiry held for the investigation of certain allegations mentioned in the paper which I had the honour to transmit to you with my letter under date the 28th inst., which you will please to lay before the commander-in-chief.

I have, &c.

(signed) *James Davidson*, Captain, Act[g] Brigade Major.

Danapore, Brigade Major's Office, 30th January 1795.

N° 15.

A woman lately living with Lieutenant Arctander, came to my house during my late absence, and enquired for me; on being asked by my people her business, she said she was afraid of her life, for that Lieutenant Arctander had threatened to murder her; on being asked for what, she replied, that a few days before, a child of a late slave's of Lieutenant A., who had been forcibly detained by Lieutenant A., was in her arm, almost starving; that the child said to Lieutenant A., Sir, give me some milk, and I will dance for you; on which Lieutenant A. flew at the child, squeezed the throat, and instantly deprived it of life, and had it buried close to his quarters, by some of his people. This was the substance of what was reported to me. I sent for the girl yesterday, but she gave for a reason for not coming, that Lieutenant A. had the main guard, and that she was afraid. The day after, having attended to the Court of Inquiry, I found her on my return to my house; there she related the above story, without variation, and is ready to shew the place where the child was buried. She also declares, that a servant of Captain Coningham saw the transaction, as also two or three others belonging to Lieutenant A. I in consequence waited on the commanding officer immediately, not thinking it proper to delay a moment.

(signed) *Robert Fleming*, Lieutenant.

I do swear, That the above is my hand-writing, and that it is a true and faithful translation of the purport of the evidence given to and stated by me as above; and that no compulsion on my part has exacted the evidence of the aforementioned woman.

(signed) *Robert Fleming*, Lieutenant.

Sworn before me, this 26th January 1795,

(signed) *James Nicol*, Lieutenant Colonel commanding at Danapoor.

Danapoor, Brigade Major's office, 27th January 1795,

(A true copy.) (signed) *James Davidson*, Captain, Acting Major of Brigade.

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N° 16.

Proceedings of a court of inquiry, held by order of Lieutenant Colonel Nicol, commanding the station of Danapoor, the 27th January 1795.

Major Montague, President.

Members: Captain Guthrie, Captain Wood, Captain Bradshaw; Lieutenant David Ochterlony, Deputy Judge Advocate General.

The court met pursuant to cantonment orders of yesterday, and being duly opened; Captain Davidson, Acting Major of Brigade, presented the following affidavit to the president and members.

" A woman lately living with Lieutenant Arctander, came to my house during " my late absence, and enquired for me; on being asked by my people her business " she said she was afraid of her life, for that Lieutenant Arctander had threat- " ened to murder her; on being asked for what, she replied, that a few days before " a child a late syce of Lieutenant A.'s, who had been forcibly detained by Lieute- " nant A., was in her arms, almost starviug; that the child said to Lieutenant A., " Sir, give me some milk, and I will dance for you; on which Lieutenant flew at " the child, squeezed the throat, and instantly deprived it of life, and had it buried " close to his quarters by some of his people. This was the substance of what was " reported to me. I sent for the girl yesterday, but she gave for a reason for not " coming, that Lieutenant A. had the main guard, and that she was afraid. This " day, after having attended the court of inquiry, I found her on my return to my " house; there she related the above, and is ready to shew the place where the child " was buried. She also declares, that a servant of Captain Coningham saw the " transaction, as also two or three others belonging to Lieutenant A. I in conse- " quence waited on the commanding officer immediately, not thinking it proper to " delay a moment.

(signed) " *Robert Fleming*, Lieutenant."

I do swear, That the above is my hand-writing, and that it is a true and faithful, translation of the purport of the evidence given to and stated by me as above; and that no compulsion on my part has exacted the evidence of the aforementioned woman.

(signed) *Robert Fleming*, Lieutenant.

Sworn before me, this 26th of January 1795,
(signed) *James Nicol*, Lieutenant Colonel, commanding at Danapoor.

In consequence of which, Mydee, the native woman alluded to in the affidavit, was called into court, and says she was a servant to Lieutenant Arctander; that the child was the son of a syce, who had deserted Lieutenant Arctander's service, and gone to Berhampore. That in the course of the day, Lieutenant Arctander had beat the child two or three times; that in the evening he squeezed the child's throat, of which it immediately died.

On being further interrogated, says, the child was about six years of age; that he had ran away; that she was sent with a chit to the line serjeant, but on the road met with the child, and brought him back to Lieutenant Arctander, who at that time gave him two or three strokes of a cane, and put him in a room of his quarters; beat him a second time in the course of the day, and in the evening went into the room, and asked him if he liked beating, on which the boy begged forgiveness; Lieutenant Arctander again struck him, squeezed his throat, and it died. That Mary and Beebun, two women, were present with her at the moment the circumstance happened; that she saw the child fall, and was present during the whole transaction; that the child died about seven o'clock, and that about eight o'clock in the evening it was carried out by Saubdee and Jannoo, and buried in a hole dug by a corporal brought from the stable, over which they put a fowl coop and chest.

The court then proceeded to examine the spot pointed out by the evidence, where they found the appearance of its having been recently dug up and refilled, and from the solidity of the surrounding earth, suppose it to be about two and a half feet by fifteen inches; too small, in their opinion, to admit a child of the age of six years, without being stuffed in.

Saubdee and Jannoo, servants of Lieutenant Arctander, and Mary, asserted by Mydee to be present at the time the circumstance took place, called into and examined by the court, and deny any knowledge of the business; assert that the accuser had told them the boy ran away.

Beebun,

Beebun, a native woman, called into court. Says, that she was present when the boy was brought back. Saw Lieutenant Arctander beat him, and put him into the room with her, Mydee and Mary. That the boy went to sleep, and eased himself while asleep. That Lieutenant Arctander came into the room in the evening; and observing what the child had done, beat him a second time, and by pressing his throat with his hand, strangled him.

Mydee again called into court, and asked, where she was at the burial of the child. Says, she was locked up in the room with Mary and Beebun. That Lieutenant Arctander desired them not to mention the circumstance, and gave the evidence, for Beebun four annas, and Lieutenant Arctander promised her at the same time, two rupees monthly. That on speaking to Lieutenant Arctander, on the subject of the murder, he abused her and told her that he would cut her head off or shoot her. That he had remained near Captain Bradshaw's bungalow for that purpose, a considerable time. That on the morning after the death of the boy, she, from apprehension, left Lieutenant Arctander's house, and immediately went and informed Lieutenant Fleming's girl, Lieutenant Fleming being absent at Purneah. That three days after, Mr. Brigg's boy spoke of it; and Mr. Briggs sent for her, and inquired if it was true, and told her that Lieutenant Arctander had threatened to beat his servant; but that if Lieutenant Ochterlony was at the place, she might relate it to him without fear. That she went to the river side with Mary during the night, about eleven o clock, and on the road related what had happened to a cansumah of the colonel's, a fowlman, and a centinel, who informed her that the colonel being absent, they could do nothing in the business.

That the cansumah said the sahels are all one, and as it is against one of them, it will be difficult to get justice.

Chawn Khan, the cansumah above-mentioned, called into court, and denied having any conversation with the woman respecting the death of the child; and on being confronted with her, and her evidence repeated by herself, he still continued to deny that any such thing had taken place.

The fowlman likewise called into court, and interrogated, who also denies any knowledge of her, or any conversation on the subject.

Beebun again called into court, and says, that the child was buried at gun fire; in the morning was taken out by Jannoo at that hour, and that she was locked up during the night, with Mary and Mydee.

The Court adjourn until to-morrow at 10 o'clock.

Wednesday 28th January 1795.—The Court met pursuant to adjournment.

Members present as before.

The Judge Advocate delivered in the following letter to Major Montague, President, and the members of the Court of Inquiry.

Gentlemen,—" By the orders of the commander-in-chief, I was directed to " officiate at a court of inquiry assembled for specified purposes, and on seeing " the same court ordered to assemble, though for a different purpose, and my " name unmentioned in orders, I still thought it my duty to attend.

" Permit me now, gentlemen, to suggest to you some doubts which have occurred " to me since closing the proceedings of this day, and at the same time to assure " you that it is from no desire to shrink from the official duties of the situation in " which I have had the honour to be placed by his Excellency the commander-in-" chief.

" A direct charge of murder, a crime only cognizable by civil judicature, has " been preferred against Lieutenant Arctander; to establish his guilt or innocence " is the object of the court; but I beg leave to submit with earnestness, for your " consideration, how far, under such circumstances, this investigation may be pro-" per, or in the least mitigate the situation of the accused, allowing the dubious " right of opinion to a court of inquiry; can that opinion free Lieutenant Arctander " under so direct a charge, from trial by a civil court.

" Can he with propriety, whatever may be the nature of the evidence brought " before you, be released from the present restraint? I will not scruple to assert " my own sentiments, that they should not avail: and that of course the object " for which the court is avowedly assembled, is in itself nugatory. The body of " the deceased was said to be deposited in a particular spot. To that your " inquiries have been directed with the same critical and unbiassed attention, which

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" has marked your proceedings; and the consequence of that investigation appears " on the minutes. It occurs to me therefore, that the only real noticeable objects of " inquiry, has been fulfilled.

" In pressing these remarks on your serious consideration, permit me to add, " that I am well aware you act under orders. That under such sancion, you may " proceed in the investigation; but what may be the ultimate result, or general " tendency, I leave to your decision, and shall continue to act under your orders " as if no doubt actuated. Yours, &c.

Danapore, 28th Jan. 1795. *D. Ochterlony*, Dep^{y} Judge Advocate General.

Which having duly considered, the Court determine to proceed in the investigation, agreeably to the orders of the commanding officer; and Janno is again called before the court.

Q.—You say that the day the child was brought back, you heard Lieutenant Arctander beating him, and the child cry?—*A.* I did hear the boy cry, and my master beating him; I went home in the evening; the next morning I was told by Mydee, that the boy had run away, and taken her clothes.

Q. What size was he?—*A.* Describes the child to be about three feet high.

Q. Have you seen or heard of the boy since the day he ran away?—*A.* No.

Q. How many days after the beating of the boy, did Mydee leave your master's service?—*A.* About five or six days.

Q. Did you ever hear from her on what account she left him?—*A.* She was afraid of being beat for telling lies.

Q. What was the lie she had told your master?—*A.* That a report prevailed among the servants, that he had killed the boy, and buried him.

Q. Did you tell this to your master, or did the woman?—The woman herself, and my master sent me for the people, and Lieutenant Higginson came in at the same time, and during my absence, Mydee disappeared.

Q. What happened when Lieutenant Higginson arrived?—*A.* The servants declared they knew nothing of the matter; and on inquiry, it was found that Mydee had absconded.

Mydee again called into Court.

Q. How long after the fact did you leave your master's service?—*A.* That very night; Mary afterwards told her, if she wished to return, she might, her master would treat her well; if not, that she would have cantonments. She answered, that she would neither return, nor leave the place.

Q. Where was this conversation held with Mary?—*A.* Near the great house, about three days afterwards.

Q. At what hour of the night did you leave the house?—*A.* About eleven o'clock.

Mary called into Court.

Q. Have you seen or had any conversation with Mydee since her leaving your master's house?—*A.* I have not conversed on that subject; I see her daily when I go to the bazaar.

Q. How long after the boy disappeared, did Mydee remain in your master's house?—*A.* I think about ten or fifteen days.

Lieutenant Higginson called into Court, and requested to relate any circumstances relative to the transaction before them, that had come to his knowledge, when he delivered to the Court the following written narrative:

" Some time ago, to the best of my knowledge a month or five weeks since, as " I was sitting at home in company with Lieutenant Pryor, the late Lieutenant " Patrick M'Culloch and Mr. Briggs, a miniature painter, who had called on me " that evening; Lieutenant Arctander sent his compliments to me by one of his " servants, I believe in the capacity of a muirchee, desiring instantly to speak to " me on some urgent business. I went to him as requested, perfectly ignorant of " what this business could be; how could I possibly suppose the cause of this re- " quest thus sent. Could I have thought it had been on such a subject, I should " have most certainly declined the smallest interference.

" On my arrival at his quarters, he addressed me (as nearly as I can recollect) " to the following purport, viz. I am almost distracted, some of the black people " have accused me of murder; and I understand two of the servants belonging to " Mr. Briggs, are of the number. I then asked him who was the object of the sup- " posed murder in question. His reply was, that little boy you might have seen " here; upon this, I exclaimed, what, that little slave boy I saw here some time ago?

" ago? He answered, yes. He committed a fault. I put him into a room, and " tied his hands with a small string in the night, which he broke, and ran away, " and now these people want to accuse me of murder; I said the best mode was to " have these two people brought up to the quarters. They came accordingly; one " was a tailor, the other a slave boy, called Tom. The tailor said he knew nothing " of the matter, the other, the slave boy, that he had heard from Cæsar, another " slave, belonging to Captain Coningham, that Lieutenant Arctander had beaten his " boy to death; on this Lieutenant Arctander was proposing to send for him " (Cæsar) but did not. I then said, if your boy ran away, you can be under no " apprehensions from the stories of these people. Here the matter rested for this " time; after this, I entirely avoided any connection with Lieutenant Arctander, but " as I was passing on the road, I think about 16 or 17 days afterwards, he called " out to me; on my going into his quarters, he addressed me nearly to this effect, " What is the reason you never come near me? I am going to quarrel; I always " expect a reason for every man's coolness to me. I answered, I am not a queru- " lous man, and if I can avoid it, I will not have any altercation with you. My " real motive for having shunned him, was the business in question, yet, as I could " not prove it, I smothered the cause; but on his touching upon the subject, I ob- " served, by all means bring the matter to a public investigation, and the parties " will be duly punished. I then left him, and have never had any intercourse with " him since.

" I have no difficulty, gentlemen, to avow, in the most solemn manner, that " had I unfortunately, from my own knowledge of facts, supposed the prisoner " guilty, I would instantly have lodged information against him. I am not so " ignorant of our laws as not to know that misprision of treason, felony or murder, " is not only a heinous crime against the laws of God, of nature, and of society " at large, but likewise indicates a participation in it; yet, let it be remembered, " that to prosecute on bare hearsay information, on so serious and so nefarious a " crime as murder, is at once disagreeable, alarming and dangerous.

(signed) *G. Higginson*, Lieut. 5th E. B.

Tuesday, 27th January 1795.

Q. Do you remember any woman being present?—*A.* No, there was none.

Q. Was any woman called for?—*A.* No.

Q. Do you recollect his telling you from whom he received the information mentioned in your narrative?—*A.* I do not.

Cæsar, the slave boy of Captain Coningham; called into Court.

Q. Have you heard any report of this circumstance?—*A.* Never.

Q. Do you know any thing of the business?—*A.* No.

Q. How long after the boy disappeared, do you think Mydee remained in Lieut. Arctander's service?—*A.* About five days.

Beebun again called into Court.

Q. When did you leave Lieutenant Arctander's house?—*A.* He sent me away the next day; I left Mydee in the house.

(signed) *E. Montague*, Major of Artillery.

(signed) *D. Ochterlony*, D. J. A. G.

Dear Sir:—I am on guard to day; the prisoner Jannoo sent word to me, she wished to speak to me; however, I would not, but in presence of three witnesses, the subadar, the guard Corporal Hildrup, and Louis Clavier, private, before whom the prisoner, of himself and at his own request, declared, " When I was " before the Court of Inquiry, I did not remember some circumstances, which I " now do most clearly, and I wish to declare them before some member of the said " court." Disagreeable as it is, I feel it my duty to make this known; or, if he should afterwards tell his request and my silence, I would very unwillingly hazard any inferences that might be drawn from it. To you, therefore, as President of the Court, I think I had better send him, together with the witnesses, of what he requested to, and did declare before me and them, namely, as written between the inverted commas.

Main Guard, 1st Feb. 1795.

I am, &c.

(signed) *G. Higginson.*

To Major Montague.

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Lieutenant Colonel Nicol, commanding Danapore.

Sir:—I am directed by the president and members of the Court of Inquiry to mention a circumstance which was omitted by me to be inserted on the proceedings, viz. that the spot where there was the appearance of a recent excavation, was under a window of the quarters adjoining to Lieutenant Arctander, and on the outside, of a matted compound belonging to that officer. I have their further orders to say, that in consequence of the inclosed letter from Lieutenant Higginson, the witness Jannoo, Lieut. Arctander's servant, was again examined by the president, and said, "That having omitted or forgotten to mention to the court, that he was "sent by his master to call Lieut. Higginson, when he first heard the report, he, "the witness, thought it might be of consequence, and therefore now told it," and had only this circumstance to mention; the court at the same time desire me to request, if you think either of the above circumstances material, this letter may be considered part of the proceedings. I have, &c.

Danapore, 4th Feb. 1795. *D. Ochterlony*, D. J. A. G.

To Lieutenant D. Ochterlony, Deputy Judge Advocate, at Danapore.

N° 17. Sir:—I do myself the pleasure to enclose translations of the depositions of Mydee, Beebun, Mairie, Shehabeddeen, Jannoo, Shaikh, Futty, Ally, and Jaunmahomed, and the original depositions of James Kilpatrick, and Patrick Doaby, which I beg you will deliver to the commanding officer. I am, &c.

Patna, 21st February 1795. (signed) *H. Douglas.*

P. S.—I also inclose the Persian depositions.

(signed) *H. D.*

Mussumaut Mydee being duly sworn, deposed as follows:

N° 18. I am ignorant who my parents were, and I know not how old I now am. As I and Mary and Button* were eating our dinner at Mr. Arctander's house, about six o'clock, Lieutenant Arctander called Buckshee, and gave him three strokes with a cane; having done this, he went to write; about seven o'clock on the same evening he came again to us, and gave Buckshee four strokes with a cane; I then said to Mr. Arctander, pardon his fault; Mr. Arctander, after giving me some abuse, said you spoil Buckshee. Buckshee then said to Mr. Arctander, forgive my fault this time, I will not run away again. Mr. Arctander then seized the neck of Buckshee, and threw him on the ground with such violence, that he instantly expired. Mr. Arctander then said to Jannoo, "do you blow into his mouth;" when Jannoo did this, something of a white colour came out both of his nose and mouth; Buckshee then died. Mr. Arctander then told Shehabeddeen to go into the stable and bring the spade khurha; and said to Jannoo, "stay with me." After this, Jannoo and Shehabeddeen having dug a hole, Jannoo took up the boy and buried him in it. Shehabeddeen dug the hole with the spade. The hole was near the matted partition (tatty) which separates Mr. Arctander's quarters from those of Mr. Surmer, and about three cubits distant from Mr. Arctander's house; it was behind the quarters. Immediately upon Mr. Arctander's taking the boy by the neck and throwing him on the ground, he died. I and Mary and Bhutton only were at that time present; I do not recollect on what day of the month this happened; it was however about two months ago. Major Clark's battalion arrived on the same day at Bankipoor. Buckshee was buried about eight o'clock in the evening; Mr. Arctander and Jannoo and Shehabeddeen were present at the time when he was buried. I and Mary and Bhutton were confined in a room, but going into the room in which Mr. Arctander's bed and trunks are, and having opened the window, we went into Mr. Surmer's house and looked; the whole was on the outside of the tautty. That night I left Mr. Arctander's house. Buckshee was the son of Shaw Mohummed Syee, and was about six years old. Mr. Arctander took Buckshee by the neck with both his hands, and threw him with such violence against the ground, that he instantly died. There was a red mark in the neck of the boy; when they were busy in burying him, I went out behind Mr. Arctander's house, and stood and looked.

(signed) *Mydee*, her × mark.

* Beebun in the original.

Witnessed by,—*Gholam Hossein.* *Sahobdaud Khan.*

Sworn before me, the 13th day of February, 1795.

(signed) *H. Douglas*, Magistrate.

(A true translation.) (signed) *J. T. Grant*, A. M.

1st February 1795.—Mussummaut Beebun, being duly sworn, deposed as follows: I was formerly of the Mussulman religion, but I have now lost my caste; I am ignorant who were my parents, and I know not how old I am; I have been for two months in Mr. Arctander's house; there lived in Mr. Arctander's house, a boy, I do not know what his name was, but he was the son of a syce, whose name I do not know; the boy ran away from Mr. Arctander's house; a serjeant having caught him, brought him to Mr. Arctander, who kicked him and struck him in an angry manner, with his fist, then seized him by the neck and threw him on the ground; on the second day after this, he beat him with a thick rope until he died; Mr. Arctander then seized him and threw him on the ground with such violence, that he instantly expired; Mr. Arctander having tied a rope round the neck of the boy, lifted him up from the ground, and threw him on it with such violence, that he instantly died; Mr. Arctander having fixed up a stick, tied the rope which was about the boy's neck, and kept him hanging until the head separated from the body; Mr. Arctander then said to his khansuman, "Don't mention what has happened to "any person;" what the name of this khansuman, is, I do not know; it was the man who took the spade and dug a hole, and buried the corpse of the boy; I, Mydee and Mary, were locked into a room, so that from this circumstance we did not see the hole; Mydee and Mary did not see it, for they were locked into the room with me; Mr. Arctander killed the boy at eight o'clock, and he was buried about nine o'clock the same evening; it happened Wednesday, about two months ago, but I do not recollect on what day of the month; I, Mydee and Mary, the khansuman, the cook, and a boy were present; I heard from the Khansuman, that Mr. Arctander buried the body at the time that the head of the boy was separated from his body; a great quantity of blood gusshed out, which flowed about the room; the boy died in consequence of the ropes being tied about his neck; Mr. Arctander fixed up a stick, and tied another upon the top of it; the boy was killed in Mr. Arctander's quarters, and on the evening of the day on which the boy was killed, I left Mr. Arctander's house, and two days after the boy was killed Mary left his house: Mr. Arctander fixed up the aforementioned sticks on the outside behind the room.

her
(signed) *Beebun*, ×
mark.

Witnessed by *Sahobdaud Khan* and *Gholam Hossein*.

Sworn before me, the 13th February 1795.

(signed) *H. Douglas*, Magistrate.

(A true translation.) (signed) *J. T. Grant*, Assistant Magistrate.

February 3d, 1795.—Shahabuddun, without being put upon oath, deposed as follows:

I was formerly of the Mussulman religion, but I have now lost my caste; I do not know who were my parents. I have been for two years in Mr. Arctander's house; Mr. Arctander gave Buckshee eight or nine heavy strokes on the back with a rope; this was done within the room. I was at this time on the outside of the room, but I heard the sound of the strokes, and the cries of the boy. After this, Buckshee ran away from Mr. Arctander's house. One day, Mussummaut Mydee said to Mr. Arctander, "a gentleman's servant, whose name is Tom, says, "that you have killed Buckshee;" Mr. Arctander then said, I will inquire into this, accordingly he called together all his servants. Mussummaut Mydee, about this time, ran away from Mr. Arctander's house; I was told that Buckshee ran away from Mr. Arctander's house, on the evening on which he was beaten. I think Buckshee is still alive. I do not correctly know Buckshee's age, but I have been told that he was about eight or nine years old. I saw him at dinner after he had been beaten. I saw him within the chick, but I observed no marks of the beating on his body.

his
(signed) *Shahabuddun*, ×
mark.

Witnessed by, *Gholaum Hossein* and *Sahebdaun Khan*.

(signed) *H. Douglas*, Magistrate.

(A true translation.) (signed) *J. T. Grant*, Ass^{t} Magistrate.

Jannoo, being duly sworn, deposed as follows:

The name of my father is Madare; I am in Mr. Arctander's service; at the time when Buckshee was beaten, I was not in the room; Mr. Arctander, when he intended to beat the boy, took a thick rope from the top of a trunk, which was out-

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side of the room, and with that beat him; the rope was of the thickness of my finger. I heard the sound of about ten or twelve strokes which Mr. Arctander gave him with the rope; I heard Buckshee crying within the room; this happened about nine o'clock in the evening; I then took leave of my master, and went to my own house. I do not remember on what day this happened, but it was about a month and a half, or perhaps two months ago; since that day I have not seen Buckshee. When next I returned to Mr. Arctander's house, Mydee came out of the room, and said to me, "Buckshee has run away, and has taken some of my "clothes with him." I asked her why she entrusted her clothes to him; to this she answered, "I did not think it likely that he would have run away." Three days after this, I said to Mr Arctander, "Will not you make some search for "Buckshee?" To this he answered, "I do not wish ever to see him again." About a week after this, Mydee said to Mr. Arctander, "Mr. Fleming's servants "say that you have killed Buckshee." Mr. Arctander immediately sent for me, and said, "Go you to Mr. Fleming, and tell him what his servants say, and re-"quest that they may be sent to me, that I may know whether they will say it be-"fore me." Accordingly I went to Mr. Fleming, and told him that Mr. Arctander had directed me to ask Mydee from whom she heard what you mention; I then went in search of Mydee, but could not find her; I was told that she had run away. I was some time after this sent for to Mr. Fleming's by Mr. Higginson, who, with a servant of Mr. Fleming's, went to Mr. Arctander's house; Mr. Arctander asked the man who came along with Mr. Higginson, "Do you say that I have "killed Buckshee, and buried him?" The man in answer to this, said, "I have "said nothing, neither do I know any thing about the affair; you had better "question Mydee about it." Accordingly search was made after Mydee, but she was not to be found.

Jannoo, his × mark.

Witnessed by *Shahebdaud Khan* and *Gholam Hossein*.

Sworn before me this 13th Feb. 1795,

(signed) *H. Douglas*, Magistrate.

(A true translation.) (signed) *J. F. Grant*, Assistant Magistrate.

Mussummaut Mairee, without being put upon bath, deposed as follows;

I am the daughter of a shait, but I have lost my caste; I do not recollect the names of my parents, neither do I know my age. I have been eight years in Mr. Arctander's house; Mr. Arctander beat Buckshee, the son of Shaw Mahommed, syce, with a rope upon his back; I did not reckon how many strokes he gave him, but he beat him until blood came from the back of the boy; but the marks were small. This happened in the evening, I do not recollect of what day; however, it was about a month and a half ago. Mr. Arctander beat the boy in his own room; and after this beating, on that same evening, the boy ran away; I went out to search for him, but since that day I have not seen him. Mr. Arctander did not again beat him. Buckshee was about five years old; he was perfectly well on the day on which he ran away; and I suppose he is still alive, because Mr. Arctander did not severely beat him. The house of his father Shaw Mahomed is at Calcapoor, near Berhampoor, but I have never seen it.

Mairee, her × mark.

Witnessed by *Shahebdaud Khan* and *Gholam Hossein*.

Taken before me, this 13th of February 1795,

(signed) *H. Douglas*.

(A true translation.) (signed) *J. F. Grant*, Assistant Magistrate.

Shaikh Futteh Ally, inhabitant of Delhi, aged 60 years, being duly sworn, deposed as follows:

I know Shaw Mahomed, he has two sons, one of whom is called Buckshee. I do not know the name of the other. I saw Buckshee about five or six coss on this side of Mangier. I do not know the name of the place, but there were a joge and a tagneer and a bazaar at it; it was about 12 o'clock when I saw Buckshee. A man, whose name is Jehan Mahomed, was with me; and a black man (seah fahm)

(seah fahm) was with Buckshee. I do not know his name. Jean Mahomed knew Buckshee, and said to me, there is Buckshee; I then called to Buckshee, and said to him where are you now going. He answered, my father has sent for me, I am now going to him.

Shaikh Futteh Ally, his × mark.

Witnessed by, *Sahebdaun Khan* and *Gholam Hossein.*

Sworn before me, this 13th of day of February 1795,
(signed) *H. Douglas,* Magistrate.

(A true translation.) (signed) *J. F. Grant,* Assistant Magistrate.

Jaun Mahomed, aged 25 years, inhabitant of Patna, being duly sworn, deposed as follows:

I am well acquainted with Shaw Mahomed, syce, and Buckshee is a son-in-law of his; Buckshee is seven or eight years old. As I was coming from Moorshedabad, about five or six coss on this side of Mongier, I saw Buckshee; I do not know the name of the place at which I saw him; there were a jogee and a tagneer's house, Shaik Futteh Ally was with me; I said to Buckshee, are you not a son of Shaw Mahomed, syce? Where are you going? He answered yes, I am a son of Shaw Mahomed's; my father having got leave of absence from his master for six months is gone home, I am going to him. There was a man with Buckshee, but I do not know his name. It was about eleven o'clock when I saw Buckshee; I do not recollect either the day of the month or week, but it is a month and a half or one month and twenty days since I saw him.

Jaun Mahomed, his × mark.

Witnessed by, *Sahebdaud Khan* and *Gholam Hossein,*

Sworn before me, this 13th February, 1795,
(signed) *H. Douglas,* Magistrate.

James Kilpatrick, private 5th European battalion, maketh oath and saith, That he, this deponent, went on Monday last to the main guard room with a chitt to a man on guard, and while waiting for him, heard James Connor ask Mydee if she knew where the child was, and heard her reply that she knew very well where he was, but Mr. Arctander had beat her very often, and she would have him hanged if she possibly could; that the name of the boy was not mentioned, but he understood it to allude to the boy said to be murdered, and for which Lieutenant Arctander is under arrest. The said conversation was held in English.

James his × mark. *Kilpatrick.*

Sworn before me, this 13th February 1795,
(signed) *H. Douglas,* Magistrate.

Patrick Dooby, private 5th European battalion, maketh oath and saith, That on Saturday the 7th instant he mounted the main guard, and went up to a woman, whose name he now knows to be Mydee, and asked her whose sword that was in the sentinel's hands? She told him it was Lieutenant Arctander's; and he immediately asked her if she was not ashamed to take away an innocent man's life? She said she was not, as Lieutenant Arctander had often abused and ill treated her; on this he asked her if that was a reason for taking a man's life? and she replied, it was; he then told her the child was found, on which she began to cry, and said that the child was alive and well at Moongheer; that there was a sentinel at some distance, but he, the deponent, believes that the said sentinel did not hear the conversation; that the name of the boy he does not know, but that he meant the boy said to be murdered by Lieutenant Arctander.

Patrick his × mark. *Dooby.*

Sworn before me, this 13th February 1795.
(signed) *H. Douglas,* Magistrate.

I, James Connor, fifer in the first European battalion, depose, That I asked Mydee (a woman confined in the main guard), if she was not ashamed of her treatment to Lieut. Arctander? to which she replied, that he, Lieut. Arctander, at

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different periods, had beat and otherwise grossly ill used her, and that her word would go further than his (Lieut. Arctander's), at Calcutta; that she would be revenged on him, and have his life for the ill treatment she had received; that the child was still alive, and that she knew where he was.

Dinapore Cantonments, 10th Feb. 1795.

Sworn before me this day,

(signed) *Jas. Nicol*, Lieut. Colonel commanding.

I, Samuel Jervis, of the 5th European battalion, make oath, That I heard James Connor mention the several circumstances detailed in his deposition, which is written on the other side hereof, to Lieut. Arctander last night, and declare it to be perfectly correspondent with the relation he gave to him, Lieut. Arctander.

Dinapore Cantonments, 10th Feb. 1795.

Sworn before me this day,

(signed) *Jas. Nicol*, Lieut. Colonel commanding.

Governor General's Minute, with Resolutions.

N° 19.

The Governor General in council is of opinion, That there is the strongest reason to suspect the charge against Lieutenant Arctander malicious and groundless, as well from the improbability of the facts charged, the contradiction in the evidence of the women, and the strong and consistent testimony against the accusation; that it is very probable that the truth of these suspicions will be verified by offering a reward for the production of the boy Buckshee, supposed to be murdered.

The Governor General in council accordingly resolves, That a publication be made accordingly, that Beebun and Mydee be required to give security for their appearance when called upon, or, in default thereof, be confined; and, in the meantime, that the papers, as recommended, be referred to the advocate general.

N° 19. (A.)

Ordered, That all the papers be transmitted to the advocate general for his opinion, whether there are grounds for commencing a prosecution against Lieut. Arctander in the Supreme Court of Judicature.

There appearing to the Board, from the proceedings, strong ground for suspicion that the boy said to have been murdered has absconded, or that he has been secreted,—Agreed, That a description of the boy be transmitted to the magistrates of the cities of Patna and Moorshedabad, and the zillahs of Behar, Sarun, Tirkoot, Boglepoor, and Moorshedabad, and that they be desired to offer a reward of one hundred rupees to any person who will produce the boy, or give information respecting him, so that he may be found, or that it may be ascertained that he is living.

Agreed also, That the magistrates be directed to order the derogahs of police to make strict inquiry after the boy in their respective jurisdictions.

Extract, Bengal Judicial Consultations, 8th May 1795.

Criminal. N° 13.

From W. Burroughs, Esq. Advocate General, to Edward Hay, Esq. Secretary to Government, May 1st, 1795.

Sir:—In obedience to the commands of the Governor General in council, communicated to me by Mr. Sub-Secretary Barlow, I proceeded early in the last month to consider the several papers transmitted from Dinapore, and laid before me by that gentleman, relative to a charge of murder made against Lieutenant Arctander, in order that I might report my opinion on the question stated to me, namely, whether there are grounds for commencing a prosecution against Lieutenant Arctander in the Supreme Court; and finding from the circumstances of the case, as far as they are yet disclosed, that there was great reason to hope for such discoveries, in consequence of the orders issued to the magistrates of Patna Behar, Sarun, Tirkoot, Boglepoor and Moorshedabad, (which orders Mr. Secretary Barlow communicated to me shortly after the receipt of his letter), as might put an end to all possible doubt, I thought it advisable for some time to await the expected result of those orders.

Several weeks; however, have now elapsed since those orders were issued, during which I have made repeated inquiries whether any information has been produced by them, and am very sorry to find that no report whatsoever has hitherto been received on the subject from any of the above mentioned magistrates, the last only excepted; and that this report (the purport of which Mr. Barlow, within these few days, has sent me) does not in any degree throw additional light on the case.

From

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From the orders to the magistrates, who no doubt have fully obeyed them, the discovery sought for cannot, I fear, be any longer expected; and I am, therefore, obliged to form my opinion on the facts appearing from the proceedings of the Court of Inquiry, and the depositions laid before me, with Mr. Barlow's original letter.

By those documents, it appears that Lieutenant Arctander is charged upon oath, by a woman named Mydee, with the murder of a boy, as having been actually committed in her presence, and in the presence of two other women, one of whom, when examined, positively contradicted the charge, and the other of whom, before the Court of Inquiry, corroborated the evidence of Mydee as to the principal facts, though she differed even then in some important parts of the case, and afterwards, in her deposition before Mr. Douglas the magistrate, related a story utterly absurd and incredible. The charge made by Mydee is further opposed by the testimony of many persons to whom she refers, and who positively deny all the testimony given by her, as far as they are concerned; and on the whole of the evidence as it now stands, there are many reasons for suspecting that the entire charge is false and fabricated, and that the boy alleged to have been murdered is still alive.

But as the charge is directly and positively sworn to by Mydee, whose testimony cannot be called inconsistent, and certainly derives some support from the appearance of the earth at the place where she states the body to have been buried, and from the boy's not having yet been found, notwithstanding the measures taken to find him, I should not, I think, be justified in saying, that there are not any grounds for commencing a prosecution against Mr. Arctander in the Supreme Court, or that he ought not to be tried.

The evidence given against him is certainly liable to many suspicions, and that he can adduce in his favour, (though it repels the supposition of the boy's being secreted), is so strong as to render his being convicted almost impossible, unless it shall appear that the witnesses for him, and one of those originally brought forward against him have been tampered with and suborned. But to weigh evidence and the credit of witnesses, and ultimately to determine on which side the truth lies, is the proper and exclusive province of a jury; and though I have in my own mind but very little reason to doubt that Mr. Arctander is really innocent of the charge made against him, yet I think myself bound by principles of justice and of law to say, as the case stands, that he ought to be brought to trial in the Supreme Court.

The circumstances attending the accusation against him appeared to me so extraordinary, as to induce me, in considering them, to require the aid of Mr. Shaw, the Company's standing counsel, in whose abilities and knowledge I have very great confidence. And I have the satisfaction to inform you, that his opinion fully coincides with my own.

I have, &c.

Calcutta 1st May 1795. (signed) *W. Burroughs*, Advocate General.

The following Resolutions were passed on the foregoing letter on the 4th inst. when the necessary orders were issued in consequence.

RESOLUTIONS.

N° 14.

Agreed, that the attorney to the honourable Company be directed to institute a prosecution against Lieutenant Arctander in the Supreme Court of Judicature on the charge of the murder of Buckshee, preferred against him by Mussomaut Mydee, and that the commander-in-chief be requested to order Lieutenant Arctander to be conveyed to Calcutta to take his trial at the next sessions; and also to give directions for the prosecutrix and her witnesses being sent to Calcutta.

Extract, Bengal Judicial Consultations, 26th June 1795.

Criminal. N° 3.

Company's Attorney to George H. Barlow, Esq. Sub-Secretary in the Judicial Department.

Sir!—I HAVE to request you will be pleased to inform the honourable the Governor General in council, that a bill of indictment was this day found by the grand jury against Lieutenant Nicholas Munnick Arctander for the murder of a native of the name of Buckshee.

I am, Sir, &c. &c.

(signed) *Wm Jackson*,

Fort William, 13th June 1795. Attorney to the Honourable Company.

Bengal Papers: State of Slavery in Company's Territories.

To G. H. Barlow, Esq. Sub-Secretary in the Judicial Department.

N° 3. (A.)

Sir:—On the 13th instant I had the honour to report to you, for the information of the Governor General in council, that a bill of indictment had that day been found by the grand jury against Lieutenant Arctander for the murder of a native boy of the name of Buckshee.

2.—It having been asserted before the inquiry held at Danapore, that the child alleged to have been killed is now alive, the advocate general has desired me to inform you that it will be necessary to show to the court that government took every means in their power to ascertain that fact, by directing their magistrates to issue proclamations throughout their districts, offering a reward to any person who could produce the child.

3.—I have therefore to request that you will be pleased to transmit to me the original orders of the Governor General in council, issued to the magistrates of the districts of Patna, Behar, Sarun, Tirkoot, Boglepoor and Moorshedabad, directing them to issue such proclamations, and the reports of the magistrates, if any have been received, of the steps taken by them in pursuance of the orders so issued.

4.—Lieutenant Arctander's trial being appointed for Friday next the 16th instant, I have to request that you will be pleased to direct some person who is competent to prove on oath the issuing of such orders by the Governor General, and also the receipt of any report made by the magistrates in consequence thereof, to attend at my office at ten o'clock in the forenoon of the above-mentioned day.

I am, Sir, &c. &c.
(signed) *Wm Jackson*,
Attorney to the Honourable Company.

Fort William, 22d June 1795.

The secretary reports, that one of the assistants in his office has attended the Company's attorney with the papers required by him.

Extract, Bengal Judicial Consultations, 3d July 1795.

Criminal. N° 1.

From William Jackson, Esq. Company's Attorney, to G. H. Barlow, Esq. Sub-Secretary in the Judicial Department, 26th June 1795.

Sir:—I HAVE to request you will be pleased to inform the honourable the Governor General in council, that the trial of the indictment against Lieutenant Nicholas Munnick Arctander for the murder of a native of the name of Buckshee, came on before the supreme court this morning, when the jury found the prisoner not guilty.

2.—I beg leave to return to you herewith the public dacok book belonging to your office, and the several original letters and documents which accompanied the same.

I am, &c.
(signed) *Wm Jackson*,
Attorney to the Honourable Company.

Fort William, 26th June 1795.

Minute.—The secretary informs the Board, that immediately on the receipt of the foregoing letter, notifying the acquittal of Lieutenant Arctander, he reported the circumstance for the information of the commander-in-chief.

PROCEEDINGS relative to five Armenian lads who were landed at Calcutta as Slaves, and rescued by the Armenians there. 1796.

Extract, Bengal Public Consultations, 28th October 1796.

THE following letter was received on the 17th October, and in consequence of the orders of the Governor General, the letter, which will be entered after it was wrote to the Persian translator.

N° 44.

To the Honourable Sir John Shore, Bart. Governor General in council, &c. &c. &c.

Honourable Sir, and Gentlemen:—We most humbly beg leave to represent to the honourable Board, that, at the devastation of Tefliez in Georgia, by Mahomedans, several poor christian inhabitants of that place were captured, five of the unfortunate victims were shipped at Bassorah, on board the ship Munsoory, with a view of selling or enslaving them to some of the Moors in Bengal; they were afterwards transhipped at Muscat, on board the Hediose, Nacodah Moorsheed, now in the river. We are induced to hope, and most humbly beg the honourable Board will

will have compassion on them, by ordering a guard to search the ship, and to compel the nacodah to produce them, that they may be made, by the laws of the blessed Britain, once more to enjoy their freedom; for which we shall ever pray.

We beg leave to remain, &c.

(signed) *Sarkers Johannees.* *Stephen Mirza.*
Isaac Malchus. *Phanoos Bagram.*
Calcutta, 17th October 1796. *M. C. Arackel.*

To the Persian Translator. N° 45.

Sir;—I am directed by the Governor General in council to transmit to you the accompanying copy of a representation from five Armenians, and to desire that you will send for the nacodah, and ascertain the fact of the arrival of the slaves, and inform him, that government will not allow them to be sold, and that he will be held responsible that they are not sold.

I am, &c.

Council Chamber, 18th Oct. 1796. (signed) *G. H. Barlow*, Secy.

Persian Translator, to G. H. Barlow, Esq. Secretary to the Government. N° 46.

Sir:—I am favoured with your letter of the 18th instant, and its enclosure; and agreeably to the order of government, sent to require the attendance of the nacodah Moorsheed. But in the interim, I have received information, that as the five christian slaves were yesterday evening passing through the Armenian quarter of the town, a number of the Armenians rushed out, and took the boys from out of the hands of their conductors, and secured them in one of their houses. Mr. Moses Cachick came to me in person to communicate the circumstance, and to request that I would convey to the honourable the Governor General in council, the united and earnest entreaty of the Armenians, that means may be taken, if possible, to prevent the slaves again falling into the hands of their masters.

I have the honour to be, &c.

(signed) *N. B. Edmonstone*, Persian Translator.

Persian Office, 21st Oct. 1796.

On the receipt of the above letter, the secretary was directed to write the following to the Persian translator.

To N. B. Edmonstone, Esq. Persian Translator. N° 47.

Sir:—I am directed by the Governor General in council, to acknowledge the receipt of your letter of the 21st instant, and to desire that you send for the nacodah, to hear what he may have to urge on the subject of the slaves.

In the meantime he desired that the captives may remain in possession of the Armenians, until such time as their attendance be required.

I am, &c.

(signed) *H. Macleod*, Sub-Secretary.

Council Chamber, 25th October 1796.

Persian Translator to H. Macleod, Esq. Sub-Secretary, Public Department. N° 48.

Sir:—In conformity to the commands of the Governor General in council, communicated to me in your letter of the 25th instant, I sent for Haujee Moorsheed, the nacodah of the ship which brought the slaves, and was informed by him, that Haujee Mohummud Rezza, a resident at Bagdad, was about two years ago at Lucknow, where he received particular marks of favour from the Nawaub Vizier, and that being solicitous on his return to Bagdad to shew the sense he entertained of his Excellency's kindness, he purchased the slaves in question, with an intention to send them to him as a present; that he accordingly gave them in charge to a brother or relation, who conveyed them to Bussora, and thence to Muscat, upon the Munsoory, a small ship bound to that port; that they were embarked at Muscat upon the Edroossey (Haujee Moorsheed's ship), and arrived here under charge of the person who first brought them from Bagdad; and lastly, that he himself has no interest or concern in the slaves whatsoever. I understand that they were consigned to the care of Haujee Kerbullaye Mahomed, for the purpose of being sent to Lucknow, and that notice of their arrival has already been conveyed to the Nawaub Vizier. I have received information, however, through another channel, that Haujee Mahomed Rezza's object in sending the slaves is not so disinterested as the nacodah would make

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it to appear; and that he expects either a price in money, or some other equivalent for the boys.

I have communicated the order of government to the Armenians to keep the slaves, to be forthcoming when called for. I am, &c.

(signed) *N. B. Edmonstone*, Persian Translator.

Persian Office, 26th October 1796.

Minute.—The Governor General will endeavour to ascertain if the slaves really belong to the Vizier, in which case he has no doubt of procuring his consent to their release.

PROCEEDINGS on a reference from the Judge of Zillah Chittagong, respecting a disputed claim to the children of Toofuny, a slave girl, 1798.

Extract, Bengal Judicial Consultations, 6th April 1798.

Civil.

N° 29. Register of the Sudder Dewanny Adawlut to G. H. Barlow, Esq. Secretary to the Government.

Sir:—I AM directed by the court of Sudder Dewanny Adawlut to transmit you the accompanying extract from their proceedings of this date, containing a letter from the judge of Zillah Chittagong, with the court's remarks thereupon; and to request you will lay the same before the Governor General in council for his orders. I am, &c.

(signed) *J. H. Harrington*, Register.

Fort William, 29th March 1798.

Extract from the Proceedings of the Sudder Dewanny Adawlut, under date the 29th of March 1798.

N° 30. Read the following Letter from the Judge of Zillah Chittagong to J. H. Harrington, Esq. Register to the Sudder Dewanny Adawlut.

1.—Sir:—Ignorant of the practice in other zillahs in suits regarding slaves, and equally unacquainted with the intentions of government on this very important point, I am embarrassed how to act in claims of this description. I receive repeated applications to compel the return of fugitive slaves, and lately a regular cause came on, on the following complaint:

Cummer Aly, son of Aumeer Mahommed; Vers; Boody; Daussee; Edie.

The plaint avers, that the plaintiff's father and uncle, Shanker, bought Boody, daughter of a slave, in 1118 Muggy, or forty-one years ago, and caused her to be married. She had a son born of this marriage, named Daussee, and also Toofuny, a daughter; the plaintiff caused Toofuny also to be married; they all absconded. Toofuny is dead, the three others will not return.

2.—One of the said three persons is a servant of Mrs. Coates, lady of the Commercial Resident at this place; and I have suspended all process for compelling his return, and that of the other defendants, till I can receive orders from my superiors.

3.—If slavery be allowed, I wish to be informed whether I am to refer questions of this nature to the laws and customs of the Hindoos and Mahometans, and Native Christians respectively, or what other rules are to guide me in determining the circumstances, periods, and authentications of cabalas and engagements, which are to be considered as constitutive of slavery in this portion of the British dominions in India; and further, whether the child of a slave is the property of the owner of the slave.

4.—In conclusion, I beg leave to say, that it is not to escape trouble that I make this reference, but from real ignorance how to act in a very important matter, for which I see no provision in the regulations.

Zillah Chittagong, 15th March 1798. I am, &c.

(signed) *J. Stonehouse*, Judge.

The court have no doubt that the spirit of section 15, regulation 4, 1793, (which directs, that "in suits regarding the succession, inheritance, marriage and caste, "and all religious usages and institutions, the Mahomedan laws with respect to "Mahomedans, and the Hindoo laws with regard to Hindoos, are to be consi-"dered as the general rules by which the judges are to form their decisions,") should be applied to the cases of slavery noticed in the above letter, but as these

cases

cases are not expressly within the descriptions of suits specified in the above section,—

Resolved, That a copy of the judge's letter, and the foregoing remark thereupon, be transmitted for the orders of the Governor General in council.

(A true extract.) (signed) *J. H. Harrington*, Register.

Ordered, That the Sudder Dewanny Adawlut be informed that the acting Governor General in council entirely concurs with the court in the opinion expressed by them on the reference from the judge of Chittagong regarding suits for slaves, and that government accordingly request that they will furnish the judge with the necessary explanation for his guidance.

Extracts from the Regulations of the Bengal Government respecting slaves, 1793. 1795. 1799. 1803.

A. D. 1793.—Regulation III.

Extract from a Regulation for extending and defining the jurisdiction of the courts of Dewanny Adawlut, or Courts of Judicature, for the trial of civil suits in the first instance, established in the several zillahs, and in the cities of Patna, Dacca and Moorshedabad; passed by the Governor General in council on the 1st of May 1793, corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree.

Section 7.—All natives and other persons, not British subjects, are amenable to the jurisdiction of the zillah and city courts.

Section 8.—The zillah and city courts respectively, are empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, land-rents, revenues, debts, accounts, contracts, partnerships, marriage, caste, claims to damages for injuries, and generally of all suits and complaints of a civil nature, in which the defendant may come within any of the descriptions of persons mentioned in section 7, provided the landed or other real property to which the suit or complaint may relate, shall be situated, or in all other cases, the cause of action shall have arisen, or the defendant at the time when the suit may be commenced, shall reside as a fixed inhabitant, within the limits of the zillah or city over which their jurisdiction may extend.

A. D. 1793.—Regulation IV.

Extract from a Regulation for receiving, trying and deciding suits or complaints declared cognizable in the courts of Dewanny Adawlut, established in the several zillahs, and in the cities of Patna, Dacca and Moorshedabad; passed by the Governor General in council on the 1st May 1793, corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree.

Section 15.—In suits regarding succession, inheritance, marriage and caste, and all religious usages and institutions, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the judges are to form their decisions. In the respective cases, the Mahomedan and Hindoo law officers of the court are to attend to expound the law.

A. D. 1795.—Regulation XXII.

A Regulation for preserving the record of the principal rules regarding the administration of justice, and the police in the provinceof Benares, passed between the year 1788, and the period of the abolition of the office of resident in 1785, and for determining what part of those rules are to be considered still in force, and for transferring the causes depending in the courts of judicature abolished on this date, to the courts established in lieu of them; passed by the Governor General in council on the 27th March 1795; corresponding with the 16th Chyte, 1201 Bengal era; the 21st Chyte, 1202 Fussily; the 16th Chyte, 1202 Willaity; the 21st Chyte, 1852 Sumbut; and the 5th Ramzaan, 1209 Higeree.

(Extract.) Section 74.—On the 7th August 1789, the resident published the proclamation issued by government on the 22d July preceding, prohibiting the purchasing or procuring natives of either sex, for the purpose of exporting them for

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sale as slaves, to different parts of India or elsewhere, and declaring that all persons who should in future be concerned, directly or indirectly, in this inhuman and detestable traffic, should be prosecuted with the utmost rigour in the Supreme Court, at the expense of the Company; and if British-born subjects, that they should be forthwith sent to Europe, or if such person or persons should not be subject to the jurisdiction of that court, he or they, upon information being given to the local magistrates, should be apprehended and kept in confinement, to be dealt with according to the laws of the country.

A. D. 1799.—Regulation VIII.

A Regulation for certain modifications of the Mahomedan Law, in cases of murder, and to explain parts of Regulation XXI. 1795, and Regulation V. 1797, in cases of Dhurna; passed by the Right honourable the Governor General in council, on the 10th October 1799, corresponding with 26th Assin, 1206 Bengal era; the 26th Assin, 1207 Fussily; the 26th Assin, 1207 Willaity; the 26th Assin, 1856 Sumbut; and the 10th Jemaud ul Awul, 1214 Higeree.

The provisions contained in Regulation IV. 1797, have prevented the obstruction to public justice, which in the administration of the Mahomedan criminal laws, had been found to arise from the influence allowed by them in cases of murder to the heirs of the slain, under which influence, the murderer, though fully convicted, might escape the punishment due to his crime, by the pardon of, or a compromise with such heirs of the deceased as were entitled to demand kissans or retaliation. All operation of the will of the heirs in cases of murder is now done away by sections 3. and 4. of the above Regulation, which require the law officers to give their futwa, and authorize the Nizamut Adawlut, to pass their sentence, on the supposition that all the heirs of the slain entitled to prosecute for kissans, have attended and prosecuted, and demanded kissans; but cases of wilful murder, in which the party convicted is not, under the Mahomedan law, liable to capital punishment by kissans, from the heirs of the slain not being legally entitled to demand kissans from the relations of parent and child, master and slave, or otherwise, though directed to be referred for the sentence of the Nizamut Adawlut, by the above Regulation have not been otherwise provided for; and according to an exposition of the Mahomedan law, since given by the law officers of that court, a father or mother, or grandfather or grandmother wilfully murdering their child or grandchild, or murdering any person of whom their child or grandchild may be one of the heirs, cannot be sentenced to suffer death by kissans, nor can such sentence be passed against a master for the murder of his slave, or against any one for the murder of a slave appropriated by his owner for the service of the public; nor against any person wilfully killing another at the desire of the party slain; and if any of the persons abovementioned be concerned with others in the perpetration of wilful murder, their exemption from kissans precludes the infliction of capital punishment (except under the discretion allowed in all cases of tazeer and seazut) upon any of their accomplices. In these and similar instances, therefore, the Mahomedan law of retaliation being obviously and essentially repugnant to the principles of public justice, the Right honourable the Governor General in council has passed the following rules in modification thereof, to be in force throughout the provinces of Bengal, Behar, Orissa and Benares, from the 1st February 1800. Moreover, the provisions contained in Regulations XXI. 1795, and V. 1797, relative to the offence of dhurna, having been found to require some explanation, section 6. of the present Regulation is added for this purpose.

II.—In every case of wilful murder, wherein the crime may appear to the court of Nizamut Adawlut to have been fully established against the prisoner, but the futwa of the law officers of that court shall declare the prisoner not liable under the Mahomedan law to suffer death by kissans, solely on the ground of the prisoner's being father or mother, grandfather or grandmother, or other ancestor of the slain, or of the heirs of the slain, or one of the heirs of the slain, being the child or grandchild or other descendant of the prisoner, or of the slain having been the slave of the prisoner or of any other person, or a slave appropriated for the service of the public, or on any similar ground of personal distinction and exception from the general rules of equal justice, the court of Nizamut Adawlut, provided they see no circumstances in the case which may render the prisoner a proper object of mercy, shall sentence him to suffer death, as if the futwa of their law officers had declared him liable to kissans, or to suffer death by seazut, as authorized by the

Mahomedan

Mahomedan law in all cases of wilful murder, under the discretion vested in the magistrate with regard to this principle of punishment for the ends of public justice.

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A. D. 1803.—Regulation VIII.

A Regulation for extending the Jurisdiction of the Nizamut Adawlut to the Provinces ceded by the Nawaub Vizier to the Honourable the East India Company; passed by the Governor General in Council, on the 24th March 1803, corresponding with the 12th Choite 1209, Bengal era; the 16th Choite, Fussily; the 12th Choite, 1210 Willaity; the 16th Choite, 1860 Sumbut; and the 29th Zekaad 1217 Higeree.

It being essential to the due administration of justice, that the Nizamut Adawlut should be vested with the power of superintending the several inferior criminal tribunals, the following Rules have been accordingly enacted for extending the jurisdiction of that court to the provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, and for declaring and making known to the inhabitants of those provinces the constitution of the said court:

XV.—In every case of wilful murder, wherein the crime may appear to the court of Nizamut Adawlut to have been fully established against the prisoner, but the futwa of the law officer of that court shall have declared the prisoner not liable, under the Mahomedan law, to suffer death by kissans, solely on the ground of the prisoner's being father or mother, grandfather or grandmother, or other ancestor of the slain; or of the heir of the slain, or one of the heirs of the slain being the child or grandchild or other descendant of the prisoner, or of the slain having been the slave of the prisoner or of any other person, or a slave appropriated to the service of the public, or on any similar ground of personal distinction and exception from the general rules of natural justice, the court of Nizamut Adawlut (providing they see no alleviating circumstances in the case) shall sentence him to suffer death, as if the futwa of their law officers had declared him liable to kissans, or to suffer death by seasut, as authorized by the Mahomedan law in all cases of wilful murder, under the discretion vested in the magistrate, with regard to this principle of punishment for the ends of public justice.

PAPERS relative to the Employment of two Malay Slaves in the Botanical Garden at Calcutta, 1799.

Extract, Bengal Public Consultations, 28th June 1799.

Captain M. Sparrom, to G. H. Barlow, Esq. Secretary to the Government.

N° 27.

Sir:—I beg leave to inform you, that I have brought from Amboyna, on the ship Union, twenty sepoys, one Malay prisoner, two slaves, and a quantity of boxes of spice plants; and shall be much obliged by your giving orders for them being landed.

I am, &c.

Calcutta, 25th June, 1799. (signed) *Mathew Sparrom.*

The following resolutions were passed on the 25th inst., and the necessary orders were issued on that day:

Ordered, That a copy of the above letter be sent to the military department, that the necessary orders may be issued from thence for landing the Sepoy and Malay prisoner.

Ordered, That a copy be also sent to the superintendent of the botanical garden, with directions to send for the plants and slaves; and that he be informed, that he will hereafter be furnished with instructions respecting the latter.

Extract, Bengal Public Consultations, 9th July, 1799.

Acting Superintendent of the Botanical Garden, to H. V. Darell, Esq. Sub-Secretary, Public Department.

N° 28.

Sir:—According to your directions, I have sent to the ship Union, and have received the two slaves and seventy-eight baskets. I am sorrow to inform you, that the greater part of the plants are dead, owing, as the slaves report, to their having got salt water.

As these men are acquainted with the cultivation of the spice plants in their native soil, I beg leave to propose that they may be employed for some time to cultivate in the botanical garden, a small plantation of these trees.

I am, &c.

(signed) *F. Buchanan*, Acting Botanical Superintendent.

Barripore, 1st July 1799.

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Ordered, That the acting superintendent be informed, that he is authorized to employ the two slaves brought from Banda, on the Union, in the cultivation of a small plantation of spice plants in the botanical garden.

PAPERS relative to an Application from the Sovereign of the Islands of Johanna, to the Governor in Council of Bombay, in 1796, for protection against the Inhabitants of Madagascar, by whom his country had been ravaged, and his subjects carried off and sold as slaves to the French.

Extract of a Letter from the Governor General in Council of Bengal in the Political Department, to the Court of Directors; dated 31st August 1796.

BOMBAY.

Cons. 18th July.

Par. 8.—ON our proceedings noted in the margin will be found, a letter from government of Bombay, dated 21st June, inclosing a copy of the letter and a list of presents which they had dispatched on the Drake cruizer for the King of Babah; and informing us of the arrival at Bombay of the eldest son, and another relation of the Prince of Johanna, with a view of soliciting the protection of the honourable Company's government against the depredations committed by the inhabitants of the northern part of the Island of Madagascar; offering for such support on our part to put the Company in possession of the sovereignty of Johanna and its dependencies.

Par. 9.—On the proceedings of the same date is also recorded, a translation of a letter from the king to the Governor General, and of a written representation from the king and chiefs of Johanna, with a copy of a letter from the commander of the Princess Royal, transmitting his correspondence with those chiefs during his stay at the island.

Par. 10.—Much as we lamented the sufferings of the inhabitants of Johanna, yet as the acceptance of the cession of the island would have imposed on us an obligation of protection, the discharge of which might have subjected the Company to great expense and much embarrassment, without apparent adequate advantage, we thought it incumbent on us to desire the Bombay government, to state to the deputies the impracticability of our complying with their wishes in this respect.

Par. 11.—With regard to their furnishing the prince with any military aid, considering our imperfect knowledge of the nature of the differences subsisting between the people of Johanna, and those of Madagascar, and our uncertainty as to the force which the troops might have to oppose, added to the objections which occur to engaging in any acts of hostility against a people from whom we have sustained no injury; we observed that we were doubtful how far the measure would be expedient or justifiable.

Par. 12.—In consideration however of the friendly treatment which our ships have invariably experienced at Johanna, and the liberal as well as humane behaviour of the king to the crews of vessels in distress, and the claim which the inhabitants have on this ground to our affording them every aid that could be given to them consistently with propriety and the public interests, we authorize the government of Bombay to employ a cruizer to convey the deputies back to Johanna, and at the same time to furnish them with a number of muskets, not exceeding four or five hundred, or any other arms, with the necessary proportion of ammunition, and to allow them to entertain any Sepoys who might voluntarily engage in their service for the purpose of instructing them in the use of the arms, should they be of opinion that this aid would enable them to protect themselves against the future attacks of their enemies.

Par. 13.—In return for this assistance, however, we thought it fair that they should be required to promise that they would not cede their island to any foreign power, nor afford assistance or protection to the enemies of the English nation.

Extract, Bengal Political Consultations, 18th July 1796.

Read, a letter and its enclosure from the Governor in council at Bombay, political department.

To the honourable Sir John Shore, Bart. Governor General in council, Fort William.

N° 3.

Honourable Sir:—We have the pleasure to inform you, that the Company's cruizer, the Drake, has been lately dispatched to Madagascar, with a letter and presents to the King of Babah, as per copy inclosed.

2. By

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2.—By the Princess Royal, which touched at Johanna, on her return from the vicinity of the Cape of Good Hope, there have arrived here, the eldest son and another relation of the Prince of Johanna, with a view to solicit the protection of the honourable Company's government in India, against the dreadful depredations which their and the neighbouring islands appear to have so severely suffered under French excitement, from the inhabitants of the northern part of the Island of Madagascar, and not the King of Babah, as erroneously inserted in one of our late Gazettes; offering, for such support on our part, to put the honourable Company in possession of the sovereignty of Johanna and its dependencies, which, whether advisable to be accepted of or rejected, the interests of humanity, and a reasonable return for all the good offices of hospitality and refreshment that have so long and uniformly been experienced by the ships and vessels of our nation, will, we doubt not, justify to your government, and to the honourable the Court of Directors, those feelings that a consideration of their present helpless condition have inspired us with; insomuch, that did we deem ourselves free to act, we might be induced to despatch one or two cruizers with a proportion of marines and military stores, to save them from that utter destruction which they apprehend to be impending over them; but in the uncertainty how far such a measure might meet with your approbation, we think it best thus early to submit to you their own representation of their hopeless calamities, trusting, that if you see meet to extend any relief towards them, your answer may still arrive in time to enable us to afford to them some useful degree of countenance and protection. We have, &c.

(signed) *Jn^n Duncan. St. Whitehill. Jno Spencer.*

Bombay Castle, 21 June 1796.

P. S.—Since writing the above, Captain Reid of the Princess Royal, having favoured us with a report and accompanying papers on the subject of the depredations committed at Johanna, and of the motives that induced him to assist those distressed islanders, we have the honour to enclose copies thereof, as we shall also of any information that may be received from Mr. Hall, when he transmits it.

(signed) *Jn^n Duncan. St. Whitehill. John Spencer.*

N° 4.

To His Highness the Prince of Babah, the Governor of Bombay wishes health and happiness.

This will be delivered to you by Captain Bond, commander of the honourable Company's ship, the Drake, belonging to their marine establishment at this port of Bombay, in consequence of orders, which the Court of Directors of the honourable English East India Company, transmitted to me last year from England, to express their great satisfaction and acknowledgment to you for your hospitable and humane attention to the officers and passengers (as well ladies as gentlemen) and crew of their ship, the Winterton, unfortunately lost on the west coast of the Island of Madagascar, on the 20th August 1792, answering to the 2d Mohurun, 1206 Higeree, as a particular mark of their grateful attention; for which instance of very reputable conduct on your part, I now send you, by the honourable Court of Directors desire, and on the honourable Company's account, and in their name, sundry articles as per list, here underwritten, as presents; of which you will be pleased to accept, as a proof of the Company's and English nation's good will and friendship towards you, not doubting but you will be always equally well disposed to assist and protect any of our nation, who may, from the accidents to which navigation is so liable, hereafter eventually stand in need of protection or support within the bounds of your authority or influence.

After delivering the presents, Captain Bond has my orders to return with your answer as speedily as the season will admit; and I assure myself that you will receive and treat that gentleman, and his officers and men during their stay, with your usual hospitality and kindness towards the English; and as they will pay for and satisfy you and your subjects for whatever supplies they may want, they will be no further troublesome to you, than to cause all proper assistance to be afforded to them on reasonable terms. Write me fully of your welfare, and be assured of constant regard on my part.

Written at Bombay this fourteenth day of June, in the year of our Lord Christ one thousand seven hundred and ninety-six. (signed) *Jon^n Duncan.*

List of sundry articles as a present to the King of Babah: one leaguer of Batavia arrack, two bales of scarlet cloth, two guns and two cases, one pair of pistols in a case, one barrel of fine gunpowder, one barrel of best flints, one chest containing twelve dozen of brandy, four shawls, two pieces of kincobs.

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Extract from the Proceedings of Government in the Political Department, under date 21st June 1796.

N° 5.

The president delivers in the following translations of two open letters or written representations from the king or chief of Johanna, the one addressed to the Governor General and the other to the Governor of this Presidency.

Reference 1. 2.—On the above translation the president thinks it necessary to remark, that as they have been made from the Johanna language in the Arabic characters, through the medium of a verbal Hindostanee explanation, it is possible they may not be entirely accurate; but from their purport it is not probable that any material error has found its way into the English version, and that the substance is truly rendered, as far as regards the offer of Johanna and the neighbouring islands to the Company, is sufficiently corroborated by the information of Mr. Hall, the gentleman therein named, who, having taken his passage from Madras in the Princess Royal, has, by that ship's putting back and touching at Johanna on her return, been induced, by the entreaties of Abdulla, the present king, to charge himself with the present despatches, and to bring with him, in testimony of the sincerity of the chieftain and principal men of that island and its dependencies, Abu Bekr, the eldest son of the Prince Abdulla, another of his relations.

Agreed, that copies of the above letters, and annexed explanation from the president, be transmitted to the Governor General in council with the following letter.

(True extract.) (signed) *R. Torin*, Sub-Secretary.

N° 6.

Reference, No. 1.—Translation of a Letter from the King and Chief Men of Hinzuram or Johanna, to Sir John Shore, Bart. Governor General.

Our letter is for this, that Mr. Hall is our friend, and knows us and our condition, and our son, the Prince Syed Abu Bekr, the son of the Sultaun Syed Abdulla, and the son of our Wuzeer, Bana Husayne, the son of Wuzeer Husn; these two persons we have committed and given to the gentleman aforesaid to have charge of them, and to do every thing that is necessary and requisite in regard to them; and Mr. Hall is our agent, and whatever we want or desire that gentleman will advise you of, and whatever that gentleman shall say is to be esteemed as the royal word, and that of all the chief men here, and whatever Mr. Hall shall do and conclude we are herewith satisfied.

L. He who relies on God, the singly powerful the Sultaun Syed Abdullah, the son of Syed Ahmed. S.

The Wuzeer *Bana Husn*, son of Bana Yomby,
The Wuzeer *Syed Benkut*, the son of Syed Aba Bekr.
The Wuzeer *Syed Alwee Moya Hoseyn*.
The Wuzeer *Moya Mahomed Trocc*.

Written by command of the Sultaun by Syed Edroos, the son of Syed Ahmed.
Syed Abdulla, son of Syed Alwee, son of Syed Ahmed Moseila.

Reference No. 2.—Translation of a written representation from the King and Chiefs of Hinzuram or Johanna, to the Honourable Jonathan Duncan, Governor of Bombay.

We do represent, that the country of Hinzuram, is from the beginning, for our grandfathers and your grandfathers; and our town is the town of you gentlemen; and the King of England and the King of Hinzuram, and the chiefs and nobles are all like unto brethren; and when an English vessel arriving near to our country was wrecked, we, the sultaun, did ourself proceed thither, and sent our boats and people to receive and succour those on board, who were as well, the captain and the crew, brought ashore with their effects, and when we did thus act, the captain and crew were pleased, and gave us an English writing, certifying how kindly we had treated them, to serve as a testimony on our behalf, to whoever of the English should come afterwards. Thereafter the captain went to Europe, and gave notice to the Company, who were much gratified at the intelligence, and sent a letter assuring, that they were become allies and brethren to the sultaun and chiefs of Hinzuram, which letter is now sent, that it may be inspected, and seen by you.

Moreover, we have experienced that people of the island of Malkans (Madagascar) have come to our country in boats under French colours, and with powder, bullets and French musquets, to fight with us, and they have ruined the four islands of Huznan, Mowta, Mohella and Guzeeza, carrying off the inhabitants, and selling them for slaves to the French, and they also carried off the cattle and goats, and rooted

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rooted up the trees, running even and despoiling whatever they could not carry away with them, and when they departed they said, that in three months more they would return for the like hostile purposes, according to season or monsoon, with which they said they were acquainted. In short, these Madagascar people are desirous of reducing the island, and of giving it to the French. Wherefore, we the sultaun, and all the wuzeers, and all the nobles and chiefs having assembled, have written and sent to you; and at the foot of this letter is impressed the seal of the Sultaun, that we shall give these islands to the Company; in consideration of which, do you, Sir, who are the governor, also exert yourself and send ships and troops, before the coming of the Madagascar people; and thereafter, when you shall make these exertions, we shall offer up our vows, that the Almighty God may protect and support us and our descendants; and that he may requite you for the good done to us. For the rest, these islands are good, and of all the others, that of Hinzuram is the best, producing rice and sugar, &c.; and whenever you shall send troops to take possession of this island, we shall reciprocally profit thereby; and being at this time ourselves engaged in warlike preparations, we have sent our sons, Abba Bekr, and the son of our Vizier Moya Hosseyn, the son of the Wuzeer Husn, to you and to all the English chiefs in India, to the end that you may consider and determine, and in case you should be desirous of further information, be pleased to refer to Captain Reid, who will describe to you what he has been an eye witness of in Hinzuram, and our object in desiring ships and troops is, that you may despatch them before three months, so as to precede the arrival of the Madagascar people, because we are desirous to give you these islands to be your property, and to belong to you. Wherefore you will send troops and a commander, and then the advantage and good will ensue between you and us, and we will live and remain in like manner, as the Mussulmans do in India; but after the coming of the Madagascar people, we shall have no strength remaining, but shall be despoiled and ruined, our persons and property. We do now know that the French will speedily come, and will take possession of this island; wherefore it hath occurred to us, that you are a powerful man, and of influence in your country, whereas now there remaineth not with us any strength, whilst, by the blessing of God and his prophet, you are powerful. Wherefore, whatever shall be produced in this country, half shall be for you, and the other half for us, and such a stipulation on both sides will be suitable; nor is our religion to suffer any prejudice, and our women also are to remain behind the veil, and the ordinations of God and his prophet are to be current in our country; and in other respects we are in want of guns, musquets, powder, lead, flints and swords, and iron; and we have further to represent, that when the Madagascar people shall make war with us, all our property of cattle and goats will be ruined, after which we shall be in want of some money for the troops.

We, the Sultaun of Syed Abdullah, the son of Seyd Ahmed Moseila, have agreed to this, as hath in like manner our Wuzeer, Syed Benkat, son of Syed Abu Bekr, and also the Wuzeer, Bana Husun, son of Bana Yoombee; and also our brother, the Prince Syed Abu Bekr, the son of Syed Ahmed; and also the Wuzeer, Syed Alwee, the son of the Wuzeer Husn; and also our Wuzeer, Moya Mahomed, the son of Foee; and the writer of this letter is Mean Edroos, the son of Syed Ahmed. May God prosper it.

L. S.

He who relies on God,
the singly powerful,
Sultaun Syed Abdullah,
the son of Syed Ahmed.

Honourable Jonathan Duncan, Governor in Council.

Honourable Sir:—Agreeable to your desire communicated to me by your aid-de-camp, Major Dunlop, I send you a copy of a letter received from Syed Abdulla, King of Johanna, on my arrival at that island, inclosing one from the Honourable Court of Directors for my perusal, and informing me, through his principal governor, of the depredations committed by the people of Madagascar, who landed about two years ago in great numbers, armed with muskets, and carrying in their principal canoes the present national colours of France.

After remaining on the island fifty days, destroying plantations, inhumanly putting to death women and children, seizing men, and carrying them into slavery,

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and having made frequent unsuccessful attempts to overpower the town of Massamoodie, which is the residence of the king, and where I saw the walls much injured by those attempts, and having taken much pains to learn the truth of their assertions, by inquiring and visiting the town of Wharnee, that has been entirely depopulated, and the most unheard-of cruelties committed, as I saw in one house some hundreds of human skeletons, heaped on each other, women, children, and infants; and being satisfied that the account given me was too true, and having an opportunity of serving those who were then under the dreadful apprehension of a second attack, and who had rendered the Company good offices, I thought it a duty I owed to my employers to render what assistance I could from the equipment of my ship, and to receive on board the prince and his suit; being charged with full powers to tender the Island of Johanna and its dependencies to His Majesty, or the English East India Company.

As I acted in this instance with no other motive whatever but to promote the public good, I trust my conduct will meet with your approbation.

I have, &c.

Bombay, 21st June 1796. (signed) *John Reid.*

To the Commander of the English ship in the Roads.

Sir:—The king and subjects of this island have long been considered the friends of the English nation, and have received repeated testimonials of their good will, one in particular from the English East India Company, which I send for your perusal, and which induces me to solicit your care and charge of my eldest son, Prince Sud Barbudur, accompanied by Sud Bubacara, eldest son of my chief governor, whom we have charged with special powers to tender the Island of Johanna to His Majesty the King of Great Britain, or to the English East India Company.

In conveying those two personages to the first port in India you should touch at, and where they can see the Governor or Commander-in-Chief, to represent the depredations committed by the people of Madagascar, and when they may freely offer this island to the English nation, you will be the means of preventing it from becoming a French settlement, as is the views of the Madagascar chief.

And am, &c.

Johanna, 17th May 1796

Seal of Sud Abdulla King of Johanna.

Sied Abdulla, King of the Island of Johanna.

I this moment received yours of the 17th instant, and am extremely sorrow to hear the account it contains of the depredations committed on your subjects by the people of Madagascar, aided and assisted by a few French, whose views, I doubt not, were as you represent, to reduce this island to subjection, and ultimately to form a French settlement.

The determination you (aided by the advice of your lords and people) have come to of making a tender of this island to the English nation, from whom you have received such frequent testimonials of friendship, and one in particular from the English East India Company, which you honoured me with the perusal, makes me ready to comply with your requests, in conveying to India your eldest son, Sud Barbudur, and Sud Bubacara, the eldest son of your chief governor, whom you have charged with powers to the government in India, to make such tender and treaty as may be thought proper and advisable. I beg leave to assure you, I will receive and accommodate the two gentlemen you mentioned in the best manner I possibly can; and as you desire, will give the governor of any of the Company's settlements such information that I may be called on for, and at the same time furnish you with such arms, ammunition, &c. that I can spare with prudence from the equipment of my ship; and further, as you request, will leave on your isle my chief mate (who is desirous of remaining) which will convince your Majesty of the high opinion I entertain of your Highness's friendly disposition towards the English nation. I shall sail for Bombay as soon as my water is completed, when, I hope, the gentlemen charged with your dispatches, will be ready to repair on board.

Wishing all health and happiness, I am, &c.

Princess Royal, 17th May 1796. (signed) *John Reid.*

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Copy of a letter from the Court of Directors to Sied Abdulla, King of Johanna, To His Highness Sied Ahmedi, Sultaun of Johanna, the English East India Company wishing health and happiness.

The very kind assistance offered by you in person, and by your servant to Captain Peter Pigou, commander of our ship, Huntingdon, and to the officers and mariners of that ship, which was wrecked on your island, hath been fully made known to us; the humanity manifested in your orders on that unhappy occasion, by which the lives of our people and cargo were preserved, has fixed in our mind a lasting remembrance of your hospitable sentiments; and not doubting that you will always receive our ships and people in the most friendly and reasonable manner, we are induced to present to you, by Captain William Money, of our ship Gatton, or if he shall not be able to visit you, through the hands of our Governor and Council of Bombay, with the following articles, of which we desire your kind acceptance; viz. one fowling piece, one pair of pistols, one scymitar, two half barrels of fine gunpowder, one cask of fine flints, one scarlet robe dress, laced with gold, a silver dish on which are engraved the arms of the Company, one silver gorget gilt, and one pistol flask for powder and ball.

And as we have considered the services rendered by several of your officers in consequence of your commands, as very beneficial to our distressed people belonging to the said ship, and particularly those of your governor, Prince Sidi Allow; and also those of Zachariah your secretary, the Prince Xeriff Bucker, and Xeriff Barrakat, and others your subjects, we present the above officers with the articles hereafter mentioned in this our letter, and in testimony of our good disposition towards you, we hereunto fix our great seal in the city of London, this twelfth day of April, in the year of our Lord one thousand seven hundred and seventy-five, according to the Christian æra.

For the Governor Prince Zachariah, the king's secretary, Sidi Allow, the purser, Xeriff Barrikat, and Xeriff Becker, being six great officers of the king, six fowling pieces, one for each, and six robe dresses, one for each. For the inferior officers, to be at the king's disposal, ten small silver gorgets, suspended by broad ribbands ornamented with gold.

(Company's Seal.)

Agreed, that the following letter be written to Bombay.

To the Honourable Jonathan Duncan, Governor in Council, Bombay.

Honourable Sir:—We have had the honour to receive your letter of the 21st ult. informing us of the despatch of the Drake cruizer, with a letter and presents to the King of Baba, and apprizing us of the arrival of the eldest son, and another relation of the Prince of Johanna at Bombay, and of the object of their mission.

Much as we lament the sufferings of the inhabitants of Johanna, yet as the acceptance of the cession of the island would impose on us an obligation of protection, the charge of which might subject us to great expense and much embarrassment, without being productive of any adequate advantage, we think it incumbent on us to desire you will state to the deputies, the impracticability of our complying with their wishes in this respect.

With regard to furnishing the prince with any military aid, considering our imperfect knowledge of the nature of the differences subsisting between the people of Johanna and those of Madagascar, and our uncertainty as to the force which the troops might have to oppose, added to the objections which occur to engaging in any acts of hostility against a people from whom we have sustained no injury, we are doubtful how far the measure would be expedient or justifiable.

In consideration however of the friendly treatment which our ships have invariably experienced at Johanna, and the claim which the inhabitants have on this ground, to our affording them every aid that can be given to them, consistently with our duty and the public interests, we authorize you to employ a cruizer to convey the deputies back to Johanna, and at the same time to furnish them with a number of muskets, not exceeding four or five hundred, or any other arms, with the necessary proportion of ammunition; and to allow them to entertain any sepoys who may voluntarily engage in their service, to instruct them in the use of the arms, should they be of opinion that this aid will enable them to protect themselves against the furure attacks of their enemies.

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In return for this assistance, however, we think it fair that you should require from them a promise that they will not cede their island to any foreign power, nor afford assistance or protection to the enemies of the English nation.

We have, &c.

(signed) By the Governor General in Council.

Fort William, July 18th, 1796.

Extract of a Letter in the Political Department from the Court of Directors, to the Governor General in Council of Bengal; dated 25th July 1798.

8 to 13.—Proposals of the King of Baba to put the Company in possession of the sovereignty of Johanna and its dependencies, and his request for military aid against the people of Madagascar.

5.—We very much approve of your determinations upon the points mentioned in these paragraphs.

PROCEEDINGS, 1803, relative to the state of Domestic Slavery on the island of Ceylon, and to a traffic in Slaves between the Malabar Coast and that Island.

Extract, Bengal Political Consultations, 4th May 1803.

N° 42. Read the following letter to the most Noble Marquis Wellesley, Governor General in Council, &c. &c. &c. Fort William.

My Lord:—I have the honour to lay before your Lordship in council, a proclamation which, with your permission, I would propose to issue for the regulation of domestic slavery within these settlements.

2.—The scandalous manner in which the unhappy persons, whom it is the principal object of the proposed regulations to protect, are treated in general by their masters and mistresses of every nation, caste and religion, within these settlements, render it a positive duty of government to delay as little as possible, the adoption of strong measures for their relief.

3.—Those which I propose, are taken chiefly from the statutes of Batavia, particularly from one published in the year 1770, of which I send an extract, and which was in force at the time of our occupation of this island (though never observed in practice). I have also recurred in some instances to the civil law; on which the jurisprudence of Holland is founded; and as the principal and most enormous class of proprietors of slaves are of the Mahomedan religion, I have adopted and made general some of the admirable regulations, by which the Khoran and its commentators have softened the rigours of slavery at the same time they established its lawfulness.

4.—The only point in which I am not justified by direct authority is, in the admission of slaves to give testimony on oath before tribunals, a permission directly contrary to the words of the Roman law, but to which recourse has been had in all extraordinary cases, from the time of Vendex down to the pretended conspiracy of the Chinese at Batavia, and which is absolutely necessary to the carrying on criminal justice according to the rules of evidence established by the law of England, which in that point undoubtedly excels every other system of jurisprudence ever adopted, and which has the most indispensable advantages in a country, where, from the entire want of practitioners in the law, the courts are obliged to direct the proceedings, and to maintain the rights both of the Crown and the prisoner, with the most vigilant attention; and if peculiar care were not taken to investigate the truth, and to throw all possible light upon every transaction brought before the criminal tribunals, by the admission and comparison of all attainable evidence, on either side, general impunity would be established for crimes, or the innocence, and perhaps the life of ignorant and unassisted dependents would be left at the mercy of malicious and interested accusers, in a country where perjury is not yet regarded with sufficient abhorrence.

5.—The principal point on which all codes which have allowed domestic slavery have universally insisted, the clear and unequivocal definition of the slave, and of the means by which he or she may have been acquired, was neglected on Ceylon, with the most barbarous indifference, out of more than a hundred cases that have been brought before me, the masters or mistresses of the beings claiming liberty, have not in more than six or seven instances produced slave bonds properly authenticated, or such as a Dutch tribunal, acting according to the Dutch laws, would have received. In many cases, no papers are existing, in others simple testamentary devices, proving the

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the opinion of the defunct, as to his power over the slave bequeathed, have been insisted on, not as a collateral, but as a positive proof of the slavery of the person claimed under it; and in the province of Baticalva, the assertion that a child was sold by his parents in a famine, was urged before me as the right on which the greater part of the slaves in that province have been held for some time past, as well as their posterity. The practice of kidnapping at Cockin, was for many years notorious, but the reception of slaves from that place, was subject to scarcely any restrictions on this island; and those restrictions, I am afraid, were but ill observed. In short, that institution, reprobated as it is by good policy, morality and religion, exists here, with all the aggravated horrors of uncertainty in its application, and cruelty in its exercise.

6.—I will now proceed to inform your Lordship in council of the manner in which the national faith stands pledged to the support and maintenance of it, by the capitulation of the principal forts.

7.—The word property, which, by the capitulation of Trincomalee, was secured by the inhabitants, was interpreted by General Stuart not to extend to slaves, and by analogy to our laws and practice, it certainly does not. The government of Fort St. George, however, thought otherwise, and the slaves who could be found were restored to their proprietors. It is far from my wish to fix bounds to the authority of a full and independent government, but perhaps a decision so directly repugnant to that system of jurisprudence (the Roman law), on which the public law of Europe is founded, may be considered as an extraordinary act of power; for by that law it is expressly declared, that persons once declared free by competent authority, even on false pretences, cannot afterwards be returned to slavery by any authority whatever. The decision, however, having once been made, it is far from my wish to have the grounds of it examined. The persons who may remonstrate against it, may for the most part obtain their liberty on account of the insufficiency of the proofs of their slavery, if they wish it; and those who are lawfully held in slavery may, by a very confined exertion of public or individual charity, easily be delivered from it.

8.—In the capitulation of Jaffnapatam, after that decision of the government of Fort St. George, and in that of Colombo, where it was previously and positively, though verbally settled with General Stuart, the word "property," which is in both preserved to the inhabitants, undoubtedly does include slaves. In the latter case, the reason why the word "*slaves*" was not inserted, was an opinion entertained by General Stuart, that such an article could not be agreed to consistently with law. It was, however, perfectly understood by a verbal stipulation between Governor Van Angelbeck and Lieutenant Colonel Agnew, on behalf of General Stuart, that slaves should be included in the idea of property; and as that stipulation formed part of the capitulation in which the fort was surrendered, I have always religiously abided by it. I never, however, considered the government which I represent as precluded from insisting on the observation of those laws which the Dutch themselves had enacted, nor from modifying them in any manner which would not destroy or materially injure the property. The slaves, indeed, are individually of little value, as I have reason to know from many valuations by exports, which have been made before me for the purpose of settling their price, in cases where the civil law orders either redemption or transfer. While children, they are an absolute burthen to their proprietors, who would wish to part with them, were they not sometimes the objects of capricious fondness, as well as of wanton tyranny. The small gratification which I propose to offer for their maintenance till they are able to provide for themselves, is the same that is allowed by the committee charged with the administration of charitable funds, for that of orphans and destitute children; and I hope your Lordship will not think it too much, when you consider the dreadful effects which the abandonment and evil education of many persons of that age might have on the morals and security of the rising generation.

I have the honour to be, my Lord, &c.

Arripo, 20th Oct. 1800. (signed) *Frederick North.*

N° 43.

PROCLAMATION to regulate and explain the manner in which domestic slavery is permitted within these colonies.

1st.—Whereas we have witnessed in many instances, with the greatest horror and affliction, the vague and uncertain titles by which many persons living under our government are held in a state of domestic slavery, in contradiction to the laws promulgated by the Government General of Batavia, for the regulation of that institution, as well the usage of all other countries in which it is allowed.

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2d.—We deem it expedient to define and explain, and by these presents do define and explain, the terms on which we permit the continuance of that institution within these settlements.

3d.—We therefore declare, that slavery can attach to no person but such as were deemed by the customs and usages of this island, and admitted by the governor to be lawful property of individuals within the districts of Colombo, Galle, Matura, and Cultura, on the 15th day of February, in the year of our Lord 1796; and at Jaffna and its dependencies, on the 30th day of September, in the year of our Lord 1795, and Trincomalee, on the day of in the year of our Lord 1795, and upon the children of either sex born upon such women as were so deemed and admitted to be lawfully slaves at those times respectively.

4th.—And we do require and enjoin, that all persons having slaves within these settlements do produce the same, together with their slave bonds and papers, before the person holding the register of the district, where such persons do respectively reside, that a declaration of the name, age, sex and person of each and every of the said slaves, bonds be entered on the register, and that for every name and bond which shall be so entered, the master or mistress of the slave produced shall pay one rix dollar, lawful money of Ceylon, towards defraying the expenses of the said register.

5th.—And we do further declare, that all slaves whose names and slave bonds be not entered in such register as aforesaid, on or before the first day of May in the year of our Lord 1802, shall and will from that day be considered as free; and that all persons treating and keeping them in slavery on or after that day, will incur the penalties inflicted on lesser plagiary in such manner as hereinafter mentioned.

6th.—And we do likewise declare, that no transfer of a slave shall, from and after the publication of these presents, be valid unless registered as above mentioned; and that on every transfer, the purchaser of the slave transferred, shall pay one rix dollar towards the expenses of registry.

7th.—And whereas in the time of the late government of the United Provinces, it was ordered, that no slave, being a christian, should be vendible by his or her master or mistress, but remain together with his or her offspring attached to the family of such master or mistress, unless manumitted; we do hereby confirm the said law, and declare moreover, that all children born of slaves in the families of christians since the capitulation of the respective places hereinbefore mentioned, and not yet sold, shall in future be neither vendible or transferable, but simply vernacular, and attached to such families in order that their masters and mistresses may no longer have any inducement to prevent them (as we fear has too often been the case) from receiving the light of the gospel, abolishing as we do, by these presents, the penalties to which masters and mistresses who neglect the duty of properly instructing their slaves in religious knowledge are subjected by the statute of Batavia.

8th.—And we do hereby declare all persons, who from and after the first of May in the year of our Lord 1802, shall attempt to confine and treat as a slave, any inhabitant of this island, without a just title so to do, guilty of the lesser plagiary, and do condemn all such persons, on due conviction thereof, in our criminal court, to pay the sum of one thousand rix dollars lawful money of Ceylon, the one half to the informer, and the other to the person so confined and treated as a slave.

And we do declare guilty of the full crime of plagiary, all persons who shall excite or cause to be written any false slave-bond, ola or paper, or sell or endeavour to sell as a slave any person, knowing the same to be free; and we do condemn all such (on due conviction thereof) for the first offence, to be burned on the brawny part of the left thumb, and to pay a like fine as that mentioned in the foregoing paragraph; and for the second offence of the like sort (on due conviction thereof) to be hanged by the neck till they be dead.

9th.—And we do hereby strictly prohibit the importation of slaves, declaring all persons of what rank, sex or condition soever, to be free on their arrival within these settlements.

10th.—Save only such persons being slaves, as accompany their masters or mistresses into this island, permission to land them having been previously obtained from the magistrate of the place where landed, and confirmed by us or our successors, governors or lieutenant governors of these settlements, within two calendar months, and to be valid for the term of twelve calendar months from the date of

such

such confirmation; after the lapse whereof, the said slaves (due proof being made of their slavery) shall not be exported again from the island as slaves; neither shall they, after their landing, be exchanged, bartered or sold as slaves, but remain attached to the families of their masters or mistresses aforesaid; and any person endeavouring to sell or otherwise dispose of them as slaves, and the person buying them, knowing their condition, shall be proceeded against as guilty of full plagiary.

11th.—And if any ship's captain, master or other person do clandestinely import any person or persons, with the intent to sell him, her or them as slaves, they shall, as well as the person buying them and knowing them to have been so imported, be proceeded against, and if guilty, punished for the said offence of full plagiary, and the said slaves so imported are hereby declared free.

12th.—And we do further prohibit the exportation of slaves, excepting in the case before related of strangers coming to the island, and obtaining permission as hereinbefore set forth.

13th.—We do, however, permit all European or burghers, leaving the island with an intention not to return, to sell, in the presence of the magistrate, to any christian person of good fame, such slaves as they may at that time stand legally possessed of, the said slaves entering into the service of their new masters or mistresses on the same terms on which they were when disposed of; that is to say, the vernacular shall be considered as vernacular, and the vendible as vendible.

14th.—And whereas it is our first duty to protect the persons of all those who are under our governance; we shall enforce, with the greatest strictness, the following Regulation concerning the treatment of domestic slaves:

1st.—That all slaves disabled by illness or old age from gaining their bread, shall be maintained by their masters or mistresses, and in case of neglect of this duty, such masters or mistresses may be sued by such of their slaves respectively before the civil tribunal of the district where they reside, which tribunal shall order sufficient alimony to be given for the maintenance of such slaves, besides the costs of suit; and that all such cases, if decided against the slave or slaves, shall be appealable to us in our court of lesser appeal, without regard to the sum in question, abolishing, as we do by these presents, any penalty to which the master or mistress of such slave might be liable for not maintaining and nourishing the same.

2d.—That no married male slave shall be sold without his wife, if a slave also, and no wife without her husband, and no unmarried woman slave, or male slave under fifteen years of age, without their parents, if alive, and provided they are slaves also; and on any contravention of this order, all the slaves therein concerned shall be declared free, and the seller shall pay (on conviction) to and for the benefit of the said slave or slaves, the sum of five hundred rix dollars lawful money of Ceylon.

3d.—Any master or mistress who maims, or disables or disfigures, or causes to be maimed, disabled or disfigured, a slave, by cruel beating or otherwise, shall, on conviction thereof before us in our criminal court, be obliged to pay two hundred and fifty rix dollars lawful money of Ceylon, to the benefit of the said slave, who shall thereupon be declared free.

4th.—Any person proved before the magistrate, by the deposition of credible witnesses, to maltreat habitually and beat severely any slave, or who shall cause the same to be done wantonly, though without maiming such slave, shall be obliged to sell the said slave to some christian person, in presence of the magistrate, if the said slave be vendible, and if not vendible, to manumit the same.

15th.—We also declare, that any vendible slave or slaves on this island shall be at liberty to purchase his, her or their freedom, on paying their master or mistress the price or prices offered for him her or them, when offered for sale, in preference to any other purchaser, or on payment of such price or prices as the magistrate shall, on a fair valuation, assess (and he is hereby authorized to assess the same, on the opinion delivered on oath, in open court, of two experienced persons not excepted against for sufficient reasons, either by the slave or by the master or mistress thereof, or their attornies: Provided always, that such slave or slaves can make it appear that he she or they came by the money, so to be laid out, fairly and honestly, that the said money be given for that purpose by a free person, or that the sum be gained by the said slave suddenly, and all at the same time, by accidents totally independent of his, her or their situation of slave, and without reference, implied or direct, to his her or their master or mistress, who are and remain undisputed proprietors of whatever he she or they may earn merely in his her or their capacity of slave.

 16th.—And

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16th.—And we do hereby order, that in all cases whatever of manumission or enfranchisement by or before the magistrate, the said magistrate do cancel or cause to be cancelled in his presence, all and every the slave bonds, olas or papers relating to the slave or slaves manumitted or enfranchised, so that no trace or traces of the former slavery may remain.

17th.—And all magistrates are hereby directed to keep a separate and distinct diary of all slave cases by them determined respectively, and to transmit the same, or an attested copy thereof monthly, to Colombo, for the information of government.

18th.—We do further declare, that all children, being the fruit of the womb of a slave woman, do appertain to the master of the said slave woman.

19th.—Save and except where the said slave woman is the lawful wife of a free man, in which case the child, born after the father's freedom, shall inherit the condition of his father; or where the said slave woman is the proved and acknowledged concubine of an European or burgher, in which case the offspring becometh a burgher, or where the said slave woman be the concubine of her master, in which case she is no longer vendible, and her children are born free.

20th.—We do also hereby order all civil courts, including Landroosts, within these settlements, to entertain and examine all such suits as may be brought before them, to prove the freedom of persons claimed as slaves, we grant and admit an appeal to us and our successors in our lesser court of appeal; but in case their decision be for the liberty of the person contending to be free, such decision must be considered as final to all intents and purposes, the value of a slave to the master and mistress being by no means comparable to the value of liberty obtained by the slave, and for the most part, on this island, not being of an appealable amount.

21st.—And for the encouragement of persons possessing slaves to emancipate them, or to behave to them with that kindness and tendernesss which their relative situation particularly enjoins:

22d.—We do further proclaim and declare, that when the slave, emancipated by his master, or her master or mistress, shall die without heirs of his or her body, or without disposing of his or her property towards the emancipation of persons in slavery, the said master or mistress, or their heirs, shall inherit the property of the said emancipated slave, as heirs at law.

23d.—We do further ordain and declare, that all crimes which by the law of England are considered as liable to the penalties of petty treason, shall be extended to the relation of an emancipated slave with his or her master or mistress, and be punished accordingly.

24th.—And we do expressly declare, that nothing herein contained shall be construed to authorize any undutiful or disrespectful behaviour in slaves against their masters or mistresses, but that such shall be punished with exemplary severity by every court before which it may be proved.

25th.—And whereas by the practice existing under the late Dutch government, the testimony of a slave was not received by a court of justice, we do hereby declare that practice abolished, as contrary to the due execution of justice, and to the right which all persons, professing a religion, has to be heard on the oath which he gives at the risk of his own soul.

26th.—We therefore declare the oaths of slaves valid and receivable, enjoining all tribunals before whom they may be made, to give them the degree of attention which they may think due to them, and which must depend upon the circumstances of each individual case.

27th.—And on this account we declare, that all slaves who have taken oath in a court of justice are liable to punishment for perjury in the same manner as free persons, and that the master or mistress who may have induced the said slave to perjure him or herself is guilty of subornation of perjury, and will be punished accordingly.

28th.—And we further declare, that although in civil causes, except such as lie between master and slave, the master or mistress is responsible for his or her slave in criminal cases, the slave committing the crime is alone punishable.

29th.—And whereas many well-disposed persons are unwilling to abandon their slaves while in a state of infancy, and therefore incur a heavy burthen in maintaining them till they arrive at the age of puberty, we, by these presents, declare, that any person manumitting an infant slave, shall receive from government six fanams per mensem for the maintenance of the said infant, till he, if a male, shall have attained the age of sixteen years, and if a female, till she shall be married, the said master or mistress being bound to take care of them as natural guardians till that time.

30th.—And

30th.—And we do further declare, that no slave acquired by an European, natural born subject of His Majesty, on this island, or his descendants, can be alienated, bartered, sold, or otherwise disposed of, by his or her said master or mistress, nor be considered as hereditary property; but that on the departure or demise of the said master or mistress, the said slave becomes positively and incontestably free.

31st.—And in all cases, excepting such as are particularly specified in this our proclamation, we do hereby order and proclaim, that the laws having relation to domestic slavery, which existed in this island under the late Dutch government, shall be considered as in full force and vigour, and the same shall be observed by all tribunals and all officers of justice and other persons within this government, as thev will answer the country to their peril.

Extracts from the Batavia Statutes.

Article 6.—Christians may not sell or alienate to Moormen or Pagans their slaves, whether they are christians or not, on pain that the seller will forfeit the slaves and the purchaser the amount of purchase.

Article 7.—And the christians are bound to instruct, or cause their slaves to be instructed in the christian religion, and to have them baptized when they are inclined to it, or when it can be done without constraint, on pain of arbitrary correction.

Article 8.—Slaves belonging to Pagans and Moormen embracing the christian religion, their masters will be obliged to cede to christians for a reasonable price, and they shall not be at liberty to prevent their being instructed in the christian religion to persuade them from it or to force them to forsake their religion, on pain of forfeiting their slaves.

Article 10.—A master being obliged, for important reasons, to confine his slaves in order to prevent any impending danger, shall be obliged to give notice of it within 24 hours to the competent officer.

Article 11.—And although the masters are permitted to punish their slaves when they commit any fault in a domestic manner according to their merits, they will however not be at liberty to have them fastened in irons, but with the knowledge, and by permission of the judge or officer under whose jurisdiction they belong, and much less to torture or grossly to maltreat them, on pain of forfeiting them.

Article 12.—But if any body slays his slave, or in any other manner deprives him of his life, he shall be corporally punished according to the exigency of the case; and the parents or children of such slaves as have been slain by their masters or mistresses, shall be immediately sold for account of their master or mistresses to the highest bidder, who is not related to their master or mistress.

Article 13.—And in order to prevent all bad practices, nobody shall be at liberty to bury a slave on his own ground nor elsewhere without the knowledge of the officers of justice, except that they live at a distance from the next fort, or that the slaves die there, in which case it shall be sufficient for the master of the deceased slave to acquaint two of his neighbours as witnesses.

Article 14.—A slave being treated cruelly by his master or mistress, will be at liberty to complain to the judge or officer, provided however that the slave has great and just reason so to do, otherwise they will be severely punished and sent back to their masters.

Article 15.—Slaves who have used their utmost endeavour to save or rescue their masters or mistresses or their children from imminent danger, such as murder, violence, force, and have placed their masters, mistresses, or children in safety, shall be immediately set at liberty.

Article 16.—Executors or administrators to estates will consequently not be at liberty to sell such slaves, but must, at the very first sitting of the competent court, emancipate those slaves at the expense of the court; but if the estate cannot bear the charges of emancipation, the court shall in such cases remit those charges.

Article 17.—A slave who offends, scorns, injures, calumniates, or falsely accuses his master or mistress, shall be whipped and confined in irons, or otherwise punished according to the exigency of the case.

Article 18.—If a slave mistakes himself so far as to lay his hands on his master or mistress, although unarmed, he shall be punished with death without mercy.

Article 19.—It will be sufficient for a master or mistress, whenever any of their slaves commit a capital crime or offence, to cede them in behalf of the party con-

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cerned, or to justice, without that they will be otherwise responsible for such a slave, excepting that they have consented in the offence or crime committed.

Article 21.—Nobody whomsoever shall be at liberty to detain or conceal a male or female slave belonging to another person for any reason whatsoever, without the consent of their master or mistress, on pain of forfeiting 25 rix dollars in behalf of the officer of justice for every day or night they shall have detained or concealed such slaves.

Article 22.—But if the slaves are detained or concealed longer than twice 24 hours, in order either to facilitate their detention or to retain them from their masters or mistresses, the persons guilty of this offence being convicted of it, shall, without distinction of persons as having been found guilty of seducing or robbing slaves, be punished in the manner as mentioned in the article robbery and fraud.

Article 23.—All persons discovering one or more runaway slaves on their grounds or farms, shall be obliged immediately to secure those slaves, and to send them without delay, under proper custody, to the commandant of the next post, or to the fiscal or country sheriff, or shall at least be obliged to give them proper notice of it; but should they act contrary to this order, they shall forfeit every time, a fine of 100 rix dollars for every slave they have discovered and not reported, the half for the officer who shall have seized such offender, and the other half for the informer, and besides he will be obliged to restitute the slave, or his value to the owner.

Article 24.—And if this offence is perpetrated at a sugar mill, the polker or writer, shall, besides paying the aforesaid fine, be obliged to work in irons at the public works, for the space of ten years.

Article 35.—All executors and administrators are prohibited to sell children which christians have begotten by their female slaves, either that the estate be solvent or insolvent.

Article 36.—All such children which a christian master has begotten by his slaves, shall be given to any body who asks for them, and who is inclined to educate these unfortunate children in the reformed religion, and when generated by Europeans, in such case only the children shall be given to the deacon, in order that they may be brought up in the charity house, and there instructed in the manner aforesaid.

Article 37.—All corporal engagements to become slaves, or to be bound to servitude for a certain number of years, is prohibited on pain that the debtors will not be bound to perform or fulfil the servitude agreed upon.

Article 38.—The native officers and those whom it may concern, shall not be at liberty to engage in the Company's service, persons whom they know to be slaves, as they must be free-born people, on pain of not only forfeiting their monthly wages which shall be due to them, but also the value of the male or female slave they shall have taken away, as being the legal property of their masters, besides arbitrary correction, and even corporal punishment, according to the exigency of the case.

Article 50.—Nobody of any state or condition whatsoever shall be at liberty to purchase or accept any thing in pawn from a slave, excepting he is provided with a permit, although it is not offered for less than the value, and although the goods so offered for sale or pawn, are not supposed to have been stolen, on pain of forfeiting a fine of 35 rix dollars, one half for the officer of justice, and the other for the informer.

Article 51.—He who, without that permit is produced, purchases any thing from a slave, either for or under the value, or notwithstanding he cannot suppose from the circumstances of the goods to have been stolen, shall however be punished as a receiver of stolen goods.

Article 53.—All those that are caught in the streets making a noise or disturbance before or after sun-set, shall the first time be apprehended, and be bound by order of the officer of justice, to a post and flogged, and the second time be confined in irons, for so to serve their masters or mistresses for the space of three or four months, or at their desire be sent to the island Edam.

Article 54.—Slaves shall, under no pretence whatsoever, be permitted to wear either by day or night, a creuse or any other weapon, except they go beyond the next fort, and that they are furnished with a written permit from their masters or mistresses for that purpose.

Article 55.—A slave being caught armed by day, shall, besides forfeiting it, be bound to a tree or post, severely flogged, and be put in irons for the space of six months, either to serve his master or mistress in that manner, or be sent, if they desire it, to the island of Edam.

Article

Article 56.—But if after sun-set, a slave is found armed in the street, he shall for the first time, besides being flogged, be put for a whole year in irons, as above stated.

Article 57.—But being caught a second time, such a slave shall be criminally prosecuted, and condemned to be brought to the place where criminal sentences are put into execution, and there be whipped on the naked back, afterwards put in irons, and afterwards sent to work at hard labour, at such place as government shall think proper.

Article 58.—And should the offenders mentioned in the two foregoing paragraphs, be so daring as to oppose themselves against the officers of justice, these are in such a case authorized to make use of means of sharp weapons against those who first attack them, and these means shall be particularly employed against criminal offenders who oppose there being seized.

Article 59.—No slaves shall be permitted to go through the streets at night after nine o'clock, without a light in their hands, excepting the moon shines bright.

Article 60.—He who, in a dark night, is found walking the streets after nine o'clock without a light, shall be taken up by the night guards or officers of justice, and be confined in the stocks until the next day, when it must be examined whether it was with their masters or mistresses permission that they went out without light.

Article 61.—If this is the case, the masters and mistresses shall pay half a rix-dollar, and the slaves be free from punishment.

Article 62.—But if the slave is gone out in the aforesaid manner, without permission of his master or mistress, he shall be flogged by the officer of justice, according to the exigency of the case.

Article 66.—In the like manner as the slaves, their children and goods, none excepted, are the property of their masters, in the same manner the slaves may not dispose of their property, either when they die or in a last will, excepting with the consent of their masters.

Article 67.—Amongst which shall not be considered the means or goods which a master gives or bequeathed intentionally to a slave to carry on his trade, or for his subsistence; for if he makes any engagement, or enters into a contract respecting those goods, the master shall be obliged to fulfil such contract or engagement, but no further than the value of those goods.

Article 68.—But a slave cannot dispose of them in a will, as it will not be of force.

Article 69.—He who purchases a slave, and afterwards discovers that at the time of sale he had some concealed disorder or distemper, such as falling sickness, Spanish or Amboina pox, dumb or deaf, will have at his choice, during the time of six months, either to annul the purchase, or to pay so much less as the judge shall think proper that ought to be deducted on account of the disease or distemper.

Article 70.—Should any body wish to annul the purchase on the above grounds, he shall be obliged to prove that the slave so sold had the distemper during the time he was with his former master, and before that the purchaser purchased the slave.

Article 71.—All slaves deranged in their minds shall be placed in the China hospital, and there maintained for account of their masters, who will pay two rix-dollars monthly to the superintendent of the hospital.

Article 72.—The seller of a slave will be also responsible for any offence or crime the slave committed before the time of sale, either that he knew of it or not; that is to say, for no more than the value of the slave.

Article 73.—Either christians or unchristians wanting to emancipate, during their lifetime, a christian or unchristian slave, or testamentary executors wanting to give slaves their liberty by virtue of a will, shall pay twenty-five rix-dollars to the secretary of the court for every deed of emancipation.

Article 80.—All slaves that have been emancipated or have obtained their liberty, on account of having been in Holland, as well as the children they have since procreated, and their descendants, shall be obliged to pay due respect to their former masters and mistresses, their children and descendants.

Article 81.—Any of them being convicted of having injured their masters or mistresses, their children or descendants, either with words or deeds, or behaved towards them scornfully, shall be severely punished, and even put in irons, or otherwise severely punished according to the exigency of the case.

Article 82. The emancipated slaves are obliged, when their emancipators, the children or descendants become poor, according to their circumstances to maintain their said masters, mistresses, their children or descendants, or give them a monthly allowance to be limited by the court or magistrates.

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Article 83.—A master abandoning his slave, in case of sickness, or leaving him in distress, such a slave shall be put at liberty, on his representing his case to the court.

Article 84.—A slave who discovers and informs the cause of his mistress's death, shall also be emancipated.

Article 85.—An emancipated slave dying, his legal children and descendants, *ad infinitum*, if he has also any who are free people, shall succeed to his property.

Article 86.—But if such unemancipated slave leaves no legal children or descendants, his property shall devolve to his nearest relations, they being free people; that is to say, one half to his said relations, and the other half to the emancipator, his children and descendants.

Article 87.—But if he dies without leaving any free and legal relations, the whole of the property shall devolve to the person who gave him his liberty, his children and descendants, provided that the deceased has not made a will.

Article 89.—All other cases respecting slaves not mentioned in these presents, shall be decided agreeably to the imperial laws, in so far as are not contradicted by these presents, and in so far as they are consistent with the laws and customs of this country.

Article 90.—The owners of such slaves as are condemned by the court of justice to suffer corporal punishment, but not death, shall be obliged to pay the charges of the court, notwithstanding their slaves are condemned to hard labour for any number of years, excepting their master cede their right to such slaves to the Company, instead of paying the aforesaid charges, which cannot however be done than with respect to good and able slaves; for if old and unable, they shall be sold by public outcry, and the proceeds employed to defray the above-mentioned charges.

Article 91.—When slaves, who have rendered themselves guilty of criminal offences, and have been punished by the court of justice, are not returned to their masters or owners, in such a case the prison charges shall be paid by the officer of justice under whose jurisdiction the master or slave belongs.

Article 92.—Should any slaves, on account of being sick or unable to work, be discharged by their masters without that a proper act is given them, and that such slaves apply to the deacon for subsistence, the deacon shall reject them, and inform immediately the officers of justice thereof, in order that he may make the necessary inquiries respecting the situation and circumstances of those slaves.

PAPERS relative to a Female, who, having been held in slavery in the Burman Territory, escaped from Rangoon to Calcutta, on board of the ship Shah Phirie. 1805.

Extract, Bengal Political Consultations, 17th October 1805.

N° 43. Mr. Petrus Johannes, to the Honourable George Udney, Esq. Vice President and Deputy Governor in Council, Fort William.

The Memorial of Petrus Johannes, supra cargo of the ship Shah Phirie, now lying at anchor in the River Hooghly, under English colours, on behalf of Mr. Lazar Jacob, of Rangoon, Armenian merchant, and owner of the said ship and cargo,—

Humbly sheweth,—That Mr. Lazar Jacob has resided at Rangoon with his family for upwards of thirty years last; that the said Lazar Jacob, having built the above mentioned ship Phirie, at a very great and heavy expense, the said ship being of the burthen of one thousand and two hundred tons, he, in the month of August last, dispatched her, under English colours, from Rangoon for Calcutta, under the command of James Campbell, as captain of her, with officers and crew suitable, and under the management of your memorialist, as supra cargo; that the said ship and cargo, which all belonged to the said Lazar Jacob, was insured at Calcutta to the amount of sicca rupees two hundred and fifty thousand.

Your Memorialist further states, that on the 17th day of August last past, the Burma pilot quitted the ship, which proceeded on her voyage to Bengal; and on the following day a woman of the Burma country, to the great surprise of your memorialist, the captain, officers and greatest part of the crew, made her appearance upon deck, and upon inquiry it was found that the gunner of the ship, John Phillips, a native of some part of America, who confessed the fact, had secreted her on board; that situated as the ship was at the time of such discovery, it was impossible for

them

them to put back to Rangoon, having no pilot with them; and from the ship being insured, the putting back would have vacated the insurance, it was determined to proceed on their voyage to Bengal, with the woman on board; and the said ship arrived at Diamond Harbour, on or about the 9th day of September last.

That on the arrival of the ship, information of the foregoing circumstance was given to the magistrates, and the woman has been taken care of.

Your Memorialist further begs leave to state, that the carrying away a female native of the Burman territories, withoht the license of the government, is strictly prohibited by the government of Rangoon.

That your Memorialist is under the greatest apprehension of the dreadful consequences that may be the result of the aforementioned circumstance, from an arbitrary government to the said Lazar Jacob, his family and property, as also to the ship and people who were on board, unless the government shall be humanely pleased to interfere in their behalf, by ordering the woman to be sent back to Rangoon, with a letter to the government there.

Your Memorialist has the honour of laying before you a declaration made on board of the ship at the time the discovery was made, signed by the captain and officers.

(signed) *Petrus Johannes.*

N° 44.

Mr. Petrus Johannes.—We the undersigned do certify, that after the pilot had left the ship, which was about 1 P. M. August 17th, 1805, on the day following a woman (slave) of the Burma country made her appearance upon deck about 10 A. M. which surprised the whole of us; we do therefore hereby declare, (and if necessary upon oath) that we had no knowledge of her person being on board previous to her appearance; we have since been informed by the gunner of the ship, that he concealed her some days previous to the visit coming on board, in order that he might take her away, and the reason he gives, that he knew that if he had asked such a favour that it would be refused him; not being able to send her back by any conveyance, we have let things stand as they are, but mean to secure both on the ships arrival at Diamond Harbour, until advice can be had how to act with respect to them; we therefore do quest that advice may be given on this head, in order that those who were unacquainted with the circumstance may not suffer in the event of returning to Rangoon, the Burma laws being exceeding strict with respect to women leaving their country without license from their government.

(signed) *James Campbell*, Commander. *Charles Webster*, 1st Officer.
David Walker, 2d Officer. *Robert Forbes*, 3d Officer.

On board the ship Shah Phirie at Sea, August 18th, 1805.
(signed in the Armenian character) *Petrus Johannes.*

To Mr. Petrus Johannes, Supra Cargo of the Ship Shah Phirie.

N° 45.

Sir:—I am directed to acknowledge the receipt of your memorial, addressed to the honourable the Vice President in council, and to inform you that the Burmese female who has been brought from Rangoon to this port in the manner stated in your memorial, and in the document annexed to it, will be sent back to Rangoon by the first opportunity which may occur.

2.—A letter will also be addressed to the Vice Roy of Pegue, calculated to secure the owners and officers of the ship from the consequence which might result to them from being exposed to the suspicion of having violated the laws of the Burmese empire by conveying from Rangoon a female of that nation.

3.—The letter to the Vice Roy of Pegue will be delivered to you for the purpose of being transmitted to Rangoon by the vessel on which the woman may proceed to that port.

4.—You will accordingly adopt the necessary measures for procuring a passage for the woman, and when an opportunity of sending her back shall occur, you will communicate the circumstance to me, for the information of government, in order that the letter may be prepared and delivered to you.

5.—The expense of the maintenance of the woman in Calcutta, and of her return to Rangoon is of course to be defrayed by the owners of the Shah Phirie.

I have, &c.
(signed) *J. Adam*, Deputy Secretary to Government.

Fort William, 17th October 1805

Bengal Papers: State of Slavery in Company's Territories.

N° 30.

Extract, Bengal Political Consultations, 24th October 1805.

Mr. Petrus Johannes to J. Adam, Esq. Deputy Secretary to Government.

Sir:—My Poone brig will get ready in course of eight days to sail for Rangoon, on board of which the woman is to return back thither, I shall thank you therefore to send the letter which is to be addressed to the Vice Roy of Pegue.

I am, &c.

Calcutta, 24th October 1805. (signed) *Petrus Johannes.*

Extract, Bengal Political Consultations, 26th December 1805.

Mr. Martyn, Magistrate, to J. Adam, Esq. Deputy Secretary to Government.

N° 9.

Sir:—A letter with your signature, has this day been put into my hand, relative to a Burmese female who was brought to this port from Rangoon in a vessel called the Shah Phirie, of which Petrus Johannes, to whom your letter is addressed, was supra cargo.

It would be a dereliction of my duty, if I suppressed a fact which has just come to my knowledge, and therefore I have to request that you will submit, for the information of the honourable the Vice President in council, that this pretended Burmese female is no other than a subject of His Majesty, being born in Calcutta, has family connections here, and was decoyed away some years ago by a Portuguese to Rangoon, and there sold for slavery.

The affidavit of the woman herself, confirmed by the information of other persons, I also inclose, the woman expresses the utmost aversion of being forced to return to a country where captivity for life awaits her. I am, &c.

(signed) *Chas. F. Martyn,* Magistrate.

Calcutta Police Office, 19th December 1805.

N° 10.

Fort William, Bengal.—Mary, alias Albina, maketh oath and saith: I was born at Colootulla within the town of Calcutta. My mother's name Iria, and my father a seacunny, was named Benedict; they named me Albina, and I am told are now both dead.

When I was at the age of about seven, an European Portuguese of the name of P. Cardozo, who was at Calcutta then, but now resides at Rangoon with his family, carried me under promise of good treatment to his house one day, from the street, without the knowledge of my parents, and after two days, took me from hence on board of a ship to Rangoon, where he made me his slave, and do the business of his house.

I was commonly called Mary by the Rangoon people, the name Albina they cannot easily pronounce. About four years ago, Philip Cardozo sold me for one hundred and sixteen rupees to one Salvador De Monte, butler to Captain Johnston; he kept me at Rangoon as his mistress for about three years, and left me and went a voyage to Madras, under promise of returning in three months; I waited for him a year at Rangoon; he did not return, and John Piere, gunner of the ship commanded by Captain Campbell, paid off my debts, and took me to his keeping; I lived with him on board the ship for eight months while she was at anchor at Rangoon, to the knowledge of both the captain and the owner of the ship; and at the time she sailed from Rangoon, I hid myself in the gunroom unknown to John Piere the gunner, and to every body on board for five or six days, whilst the gunner was on shore paying the seacunnies, and when she had passed the watch, I came out of the hiding place; the captain and the owner of the ship saw and asked me who had brought me on board, and where was I born? I said I had come myself on board, and hid myself, and was born in Bengal; they told me nothing further. My maternal grandmother, named Tomasia, is still living at Calcutta. There are a great many that know I was born at Calcutta, amongst whom are Mary, Luzia, Cato, Peggy, and others whose names I do not recollect from the great distance of time.

her

Mary, ×

mark.

Sworn before me, on this day the eighteenth day of December 1805.

(signed) *Chas. F. Martyn,* Magistrate.

Benga Papers: State of Slavery in Company's Territories.

Fort William in Bengal.—Tomasia de Rozario, of Colootulla, in the town of Calcutta, maketh oath and saith: The woman here present, whom I gave the name Mary at the time she was baptized, is the daughter of my daughter Iria, who was married to one Benedict, a seacunny, the father of Mary above-named. When the said Mary was about nine years old, my daughter Iria was dead, and her husband Benedict gone to sea, and my circumstances being very distressful, I gave her to an European Portuguese, whose name I do not recollect, he promising to bring her up and give her in marriage, and took her away on board of a ship from hence, saying he would bring her back to me after two years. He has not returned since, nor do I know where he went with my grand-daughter. About three months ago, the above Mary, accompanied by a Chowkedar, came to my house at the hour of about twelve at noon, while I was cooking, and looking me sometime in the face, burst into tears. I asked her why she wept; she replied, "Do not you recognize me? "I am that very Mary of yours; the Portuguese to whom you gave me, had sold "me as a slave at Pegue." On which I asked her how she had come here, if she was sold at Pegue; she replied, she had run away, and come on board of a ship. The next day I was brought before Mr. Blaquiere, whom I stated the above circumstances; he directed that Mary may remain with me, and I should produce her whenever I was required to do so; and about ten or twelve days ago, she was taken away from me, and put in confinement. I have been living at the place where I live at present, and where the above Mary was born, for these thirty-nine years.

(signed) *Tomasaria* her × mark *de Rozario.*

Sworn before me, this 19th day of Dec. 1805.

(signed) *Charles F. Martyn*, Magistrate.

N° 11.

N° 12.

Fort William in Bengal.—Luzia de Cruiz, of Colootulla, in the town of Calcutta. maketh oath and saith: I know Mary here present; she is the daughter of Iria, and her father's name is Benedict, a seacunny. When she had attained the age of nine years, she was given to an European Portuguese, who promised to adopt her, and have her married, and took her away from hence on board of a ship, promising at the same time to bring her back; since which period there has not been any account of the above Portuguese nor the said Mary; the woman now here present, who calls herself Mary, is the identical person that was given to the above Portuguese to be brought up. The Mark of × *Luzia de Cruiz.*

Sworn before me, this 19th day of Dec. 1805.

(signed) *C. F. Martyn*, Magistrate.

N° 13.

Fort William in Bengal.—Mary of Colootulla, in the town of Calcutta, maketh oath and saith, I know Mary, the woman here present, she is the daughter of Iria, and her father's name is Benedict, a seacunny; when she was nine years old her mother died, and she was given by Tomasia, her grandmother, to an European Portuguese, whose name I do not know, and he took her away on board of a ship, promising to make her his mistress, and likewise said he would bring her back.

The mark of × *Mary.*

Sworn this day, the 19th day of December 1805, before me,

(signed) *C. F. Martyn*, Magistrate.

N° 14.

Mr. Petrus Johannes to J. Adam, Esq. Deputy Secretary to Government.

Sir:—I beg leave to inform you, that in consequence of your letter, under date the 17th October 1805, I procured a passage for the Burmese woman mentioned in it to Pegue, on board the brig Poone, and having apprised the magistrates to deliver the woman for the purpose of her being sent, I am informed they do not consider themselves as possessing the power of compelling her to return. I am hopeful that government, under all the circumstances, will be graciously pleased to issue an order to the magistrates for her delivery. I am, &c.

Calcutta, 19th December 1805. (signed) *Petrus Johannes.*

The deputy secretary is directed to write the following letters to the magistrates of Calcutta and to Mr. Petrus Johannes.

N° 15.

To G. Dowdeswell, Esq. Superintendent General, &c. Justices of the Peace.

Gentlemen:—I am directed to acknowledge the receipt of Mr. Martyn's letter of the 19th instant, transmitting original depositions taken before him relative to a woman stated to be a Burmese subject, but who appears from those depositions to be a native of Calcutta.

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2.—Mr. Petrus Johannes, the supra cargo of the ship Shah Phirie, on board of which the woman was brought from Rangoon, has been informed that no measures will be adopted to cause her to return thither, and you will accordingly reject any application which may be made to you for that purpose, founded on my letter to Mr. Johannes referred to by Mr. Martyn. I am, &c.

(signed) *J. Adam*, Deputy Secretary to Government.

Council Chamber, 26th December 1805.

To Mr. Petrus Johannes.

N° 16.

Sir:—I am directed to acknowledge the receipt of your letter of the 19th instant, and to inform you that it appears from information taken before Mr. Martyn, one of the justices of the peace for the town of Calcutta, that the woman who was brought from the port of Rangoon, on the ship Shah Phirie is not a subject of the King of Ava, but a British subject born in Calcutta, who was carried to Rangoon some years ago and there sold for a slave.

2.—Under these circumstances, the honourable the Vice President in council does not think proper to authorize the adoption of any measures for requiring her to return to Rangoon, or to address any representation on the subject to the Vice Roy of Pegue.

3.—In order that you may have the means of satisfying the government of Pegue of the impracticability of taking the woman back to Rangoon, I am directed by the Vice President in council to furnish you with the enclosed attested copies of the letter from Mr. Martyn, above referred, and of the affidavits enclosed therein.

I am, &c.

(signed) *J. Adam*, Deputy Secretary to Government.

Fort William, 26th December 1805.

TRIAL of a Moglaree Woman for ill-using her Slave Girl; 1805.

Extract from a Report of Select Criminal Cases adjudged by the Court of Nizamut Adawlut, transmitted to the Court of Directors by the Governor General in Council of Bengal; 1805.

Trial 67.

Prosecutor, Vakeel of Government; Prisoner, Nujoom oon Nisa, servant, aged twenty-seven: Charge, maltreatment of a female slave.

The prisoner, a Moglaree, and in the service of an English gentleman, was charged with cruel treament of her slave girl, Zuhoorun, between eight and nine years of age, by scalding her with hot oil, on the parts of generation. The statement of the case given by Zuhoorun herself, before the magistrate, on the 9th June 1805, was as follows: "Three or four days ago, my mistress went to Phoolpoor, "leaving me and Myn tailor in the house; Myn went to his own house at Beeja-"pore, but returned towards noon, with some beetul-leaf and sweatmeats, which he "said he would carry to Phoolpoor; he told me to take off my pajamah (trowsers), "I refused; and he repeated his desire several times; at last he took them off "himself, and committed violence on me; I made a noise, but the door being "shut, no one heard me; after two ghurrees (about an hour) Myn took the beetul-"leaf and sweetmeats, and went to Phoolpoor; in the evening my mistress "came home, and seeing me walk lamely, from the injury I had received, she "enquired the cause; I told her all that happened; she then said nothing, but next "day, at noon, she shut the door, tied me with a cord, heated some oil, and "poured it on my private parts; she afterwards, at night, procured some binna "(lawsonia inermis) from a bullock-driver, and applied it to heal my sore; on the "following day she beat the tailor with the slipper." It appeared from the depositions of several persons, that Zuhoorun had previously to the trial, repeatedly mentioned the circumstances as above stated, and that information was given to the police officer in consequence; before the Court of Circuit, however, she declared that she had fallen by accident upon a vessel of boiling oil, as pleaded by the prisoner in her defence; but from the size of the oil vessel produced before the court, (eighteen fingers in diameter and four only deep) it seemed not likely to have occasioned the wounds upon Zuhoorun, which were examined by the surgeon of the station, and there was every reason to believe that the child, as well as some of the witnesses, had been influenced to contradict their former declarations, in the hope of saving the prisoner from punishment. The futwas of the law officers of the Court of Circut, and Nizamut Adawlut, stated the evidence not to be sufficient for full legal conviction, but declared the prisoner liable to discretionary punishment on presumption.

sumption. The judge of circuit thought the presumptive evidence sufficiently strong for the conviction of the prisoner; and the court of Nizamut Adawlut being fully satisfied of the guilt of the prisoner, sentenced her, under the discretion given by the futwa, to imprisonment for the term of twelve months. The court further ordered, that the female slave, Zuhoorun, in consideration of the injurious treatment which she had experienced from her mistress, should be declared free.

PAPERS respecting James Biron, a Master in the Pilot Service, charged with the Murder of one Coffree Girl, and ill-treatment of another; 1806.

Extract, Bengal Judicial Consultations, 17th July 1806.

Calcutta Magistrate to G. Dowdeswell, Esq. Secretary to Government, Judicial Department. — Criminal, N° 15.

Sir:—I HAVE the honour to inform you, that a master in the pilot service, named James Biron, was stopped on Thursday the 26th ultimo, in the attempt of causing the dead body of a Coffree girl to be thrown into the river, at the Honourable Company's Bankshall Ghaut. The body bearing marks of violence and cruelty, a coroner's inquest was held the following day, and a verdict found of wilful murder by some person or persons unknown.

Since that period, an investigation has taken place before me, and I have committed James Biron for the wilful murder of the Coffree girl.

Being informed that the said James Biron had beat another infant girl, named Ameena, in a cruel manner, I proceeded into an inquiry, and have made a second commitment against James Biron.

Both cases appearing to be attended with circumstances of great inhumanity, I take the liberty of submitting them to the consideration of government, and have the honour to enclose copies of the depositions, &c. taken before me.

I have, &c.

(signed) *W. C. Blaquire*, Magistrate.

Calcutta Police Office, 16th July 1806.

The Governor General in council, on a consideration of the depositions taken on the occasion of the charges preferred against James Biron, is pleased to direct that the prosecutions instituted against the accused be conducted by the law officers of government, and at the public expense.

Ordered, That the Company's attorney be informed accordingly, and that he be directed to apply to Mr. Blaquire for any further information which he may require on the subject.

Ordered, That the depositions which accompanied the above letter be returned to the magistrates of Calcutta.

Extract, Bengal Judicial Consultations, 18th December 1806.

Extract Letter from the Company's Attorney to George Dowdeswell, Esq. Secretary to the Government in the Judicial Department, dated 10th December 1806. — N° 39.

I do myself the honour of reporting to you, for the information of the Honourable the Governor General in council, that in obedience to the commands communicated to me by your letter of the seventeenth of July last, two indictments were prepared by me, under the directions of the advocate general and standing council, against James Biron, a master in the pilot service of the Honourable Company, the one for the murder of a Coffree girl, called in the proceedings before the magistrate, Kate, the other for an assault and cruelly beating another infant girl of the name of Amina. The first of these indictments having been found by the grand jury, came on to be tried on Friday the fifth instant, when the jury brought in a verdict of "Not guilty."

The second indictment came on for trial this day, when the prisoner was found guilty of the very aggravated assault with which he was charged, and sentence was forthwith pronounced against him by the court, that he should be imprisoned in the jail of Calcutta for two years; that he should pay a fine to the King of two thousand sicca rupees, and that at the expiration of the two years imprisonment, he should give security for his good behaviour by recognizance of himself in the sum of four thousand sicca rupees, and two sureties in two thousand sicca rupees each.

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Ordered That the attorney be directed to report to government whenever James Biron may be released from confinement on the expiration of the sentence passed upon him.

Extract, Bengal Judicial Consultations, 23d December 1808.

Criminal, N° 7.

Company's Attorney to George Dowdeswell, Esq. Secretary to Government in the Judicial Department.

Sir:—In pursuance of the order contained in your letter to me of the 11th November last, I beg leave to report, for the information of the Right honourable the Governor General in council, that James Biron was this day liberated from confinement in the jail of Calcutta pursuant to the sentence of the Supreme Court passed on him in the second session of 1806. I am, &c.

(signed) *James Taylor*, Attorney to the Honourable Company.

Fort William, 14th December 1808.

The following resolution was passed on the 19th ultimo:

The Governor General in council is pleased to direct, that agreeably to the resolutions passed on the 11th ultimo, James Biron be sent to Europe, and that the magistrates of Calcutta be desired to take the necessary measures for carrying that order into effect.

Ordered, That the Marine Board be desired to give the necessary orders for providing a passage for James Biron.

Ordered, That extracts from the proceeding of the 11th ultimo and of the present date be sent to the Public Department, whence the above resolution is to be communicated to the Marine Board.

√ Papers relative to the Public Sale of kidnapped Children at Delhi, in 1808; also relative to a regulation passed by the Bengal Government in 1811, for preventing the importation of Slaves, either by land or sea, into any of the territories under the Presidency of Fort William, and to a Proclamation, which was issued by the British Resident at Delhi, in 1812, in pursuance of the said regulation. 1808–1815.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors in the Political Department, dated 27th September 1808.

Pol. Con. 30 May 1808. 57 to 62 pars.

Par. 146.—A dispatch was received not long after from the resident, reporting a correspondence which had recently taken place between him and the Rajah of Jesselmere, the chief of a territory in the vicinity of the Indus, through the medium of Zalim Sing, with whom Mr. Seton had, since the commencement of his residence at Delhi, been in habits of constant communication, and to whom, as well as to the cause of humanity, he had rendered an essential service by putting a stop to a barbarous practice of kidnapping children from the territory of Kotah, for the purpose of selling them as slaves at Delhi. The immediate cause of the Rajah of Jesselmere's communication with Mr. Seton, was the desire which he entertained of visiting the banks of the Ganges for devotional purposes, provided he could obtain permission, and assurances of proper and respectful treatment; for it appears that the Rajah had received very erroneous impressions of the conduct of the English, both as a nation, and individually towards strangers.

Extract, Bengal Political Consultations, 30th May 1808.

Extract Letter from the Resident at Delhi, Mr. Seton, dated 12th May 1808.

N° 57.

Par. 1.—Ever since my receiving charge of my present appointment, I have been in the habit of keeping up a friendly intercourse with the Rajah Zalim Sing, of Kotah, whom I believe to be a sincere well wisher to our government. I had at one time an opportunity of rendering him a service, of which he appeared to be more sensible than is usual with natives of this country upon such occasions. Unknown to him, a most cruel and pernicious custom had long existed of kidnapping children in this country, and bringing them to Delhi for sale; and such was the demand for these victims of oppression, that this detestable species of traffic was a source of too great benefit to the persons engaged in it, to leave a prospect of its being easily relinquished by the merchants. Nor could I hope that my exertions to effect its abolition

abolition were likely to be successful, unless aided and supported at Kotah. I considered it therefore as my duty, after satisfying myself as to the fact, not only to prevent the sale of children in the assigned territory, unless the right of the seller was clearly established, but to endeavour to check the evil nearer to its source, by engaging Rajah Zalim Sing, as the virtual ruler of Kotah, to co-operate with me. With this view, I wrote a letter to him, in which I explained the misery which parents as well as children suffered from this cruel practice, and transmitted a copy of the proceedings* held by me on the subject, which exhibited at some length the grounds of my opinion. The Rajah appeared to be highly sensible of this mark of attention; and his conduct proved that he was sincere, for he acquainted me in reply, that he had obliged all slave merchants of this description to quit his country. I have reason to believe, that the practice, though not altogether abolished, is greatly diminished. Since then, our correspondence has assumed an appearance of greater cordiality, and more real regard than is perhaps generally the case between persons in our relative situations.

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* Not recorded.

Extract Letter from the Secretary to Government to Mr. Seton, dated 30th May 1808.

N° 62.

I am directed to acknowledge the receipt of your letter of the 12th instant, enclosing copies of your correspondence with Rajah Zalim Sing, and the Rajah of Jesselmere, and relating the circumstances of your intercourse with those two persons. The Governor General in council directs me to state to you his approbation of the motives which originally led you to form that intercourse, and the spirit in which you have conducted it.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Political Department, dated 20th April 1811.

Par. 56.—It is highly gratifying to us to observe by the 146th paragraph of the letter to which we are replying, that a stop has been put to the barbarous practice of kidnapping children from the territories of Cabaul, for the purpose of selling them as slaves at Delhi.

√ Extract, Bengal Judicial Consultations, 6th August 1811.

Criminal.

N° 60.

Extract from the Proceedings of His Excellency the Vice President in Council in the Political Department, under date the 26th April 1811.

The Vice President in council is pleased to pass the following regulation, and to direct that it be printed and published in the manner prescribed by regulation 41, 1793, to stand as regulation 10, 1811.

A. D. 1811. Regulation X.

A Regulation for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the Presidency of Fort William, passed by the Vice President in council on the 6th August 1811, corresponding with the 23d Sawun, 1218 Bengal era; the 2d Bhadoon, 1218 Fussily; the 24th Sawun, 1218 Willaity; the 2d Bhadoon, 1868 Sumbut; and the 15th Rajub Higeree.

Whereas instances have occurred of the importation of slaves from foreign countries into the British territories; and whereas such traffic is inconsistent with the dictates of humanity, and with the principles by which the administration of this country is conducted; The following Rules have been enacted, to be in force immediately on their promulgation throughout the territories immediately dependent on the presidency of Fort William.

II.—The importation of slaves, whether by land or by sea, into the places immediately dependent on the presidency of Fort William is hereby strictly prohibited; and any person infringing this prohibition, shall be liable to be prosecuted and punished for the offence by the courts of criminal judicature.

III.—Any person who may be convicted of the offence of importing slaves into the British territories, subsequently to the promulgation of this regulation, shall be sentenced to imprisonment for the period of six months, and to pay a fine to government according to his circumstances in life, not exceeding however the sum of rupees two hundred, commutable, if not duly discharged, to imprisonment for the further period of six months on the expiration of the former part of the sentence.

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IV.—Persons imported as slaves into the British territories shall be liable to be discharged or sent back to their friends and connexions in the country from which they may have been imported, according as may appear most advisable to the magistrate by whom the decision on the case may be passed.

V.—First: For the more effectual prevention of the importation of slaves at the port of Calcutta, captains or super-cargoes of vessels, with the exception of the Honourable Company's ships, importing at Calcutta, shall previously to being permitted to land any part of their cargo or goods, execute a bond rendering themselves liable to the payment of a penalty of rupees five thousand, in the event of their disposing of any persons as slaves.

Second: The bond mentioned in the preceding clause shall be taken by one of His Majesty's justices of the peace, acting in and for the town of Calcutta, who will of course cause it to be executed in due form.

Third: It shall be the duty of the collector of government customs at Calcutta to ascertain that the prescribed bond has been executed previously to permitting any part of the cargo or goods of any vessel, the Honourable Company's ships excepted, to be landed.

Fourth: The following is the form of the Bond to be taken in the cases above stated:

KNOW all men by these presents, That I, captain of the now lying and being in the river Hooghty in Bengal, am held and firmly bound unto the United Company of Merchants of England trading to the East Indies in the sum of five thousand sicca rupees of lawful money of Bengal, to be paid to the said United Company, their certain attorney, successors or assigns, for which payment to be well and truly made, I bind myself, my heirs, executors and administrators, firmly by these presents. Sealed with my seal. Dated the day of in the year of our Lord one thousand eight hundred and

The Condition of this obligation is such, That if the above bounden has made a just and true report in writing to the custom master of Calcutta, of the number of persons, male and female, imported by him into Bengal, in and on the abovementioned and if the said has not since his last arrival in Bengal, and shall not whilst the said or the said shall be or remain in Bengal, land for the purpose of selling, giving away or otherwise disposing of, any person or persons imported on board the said as and for a slave or slaves, and if the said has not sold, given away or disposed of, and shall not in Bengal, or in any of the countries of or under the management of the said United Company, their governors or servants in India, sell, give away or dispose of, any person or persons, male or female, imported on board the said on this her last arrival in Bengal, as and for a slave or slaves, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

Sealed and delivered (where no stamps are used) in the presence of

Criminal.

Extract, Bengal Judicial Consultations, 27th August 1811.

On the 24th inst. copies of Regulation X. 1811, were received from the press, and they were accordingly ordered to be circulated to the officers of this government, and forwarded to the governments of Fort St. George and Bombay.

The following resolution was likewise passed on the same date.

Ordered, That a copy of the foregoing Regulation be sent to the Political Department, in order that a communication may be made to any of the native states, which it may be deemed proper to apprize of the purport of the regulation.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors in the Political Department, dated 15th Oct. 1812.

'ons. 25th Sept. 812.

Par. 214.—On the consultation noted in the margin, is recorded a letter from the Resident, reporting his having issued a proclamation for the abolition of the slave trade at Delhi and in its vicinity.

215.—In reply, we informed the Resident that we highly approved his adoption of that measure, under the supposition that it accorded precisely with the enactment on that subject, contained in Regulation X. of 1811. We, however, desired Mr. Metcalfe to inform us of the specific terms in which he had prohibited the traffic in slaves.

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Extract, Bengal Political Consultations, 25th September 1812.

N° 111.—Resident at Delhi to N. B. Edmonstone, Esq. Chief Secretary to Government, Fort William.

N° 20.

1.—Sir:—The slave trade, which has been prohibited for a considerable time in the other provinces of the British dominions in India, continued to exist in the district of Delhi subsequently to its abolition in other places, no local orders having been issued for its discontinuance, and in consequence, the resort of slave merchants to this quarter was becoming more frequent than ever.

2.—Being convinced that it was not the intention of government that this iniquitous traffic should be encouraged in any part of its territories, being satisfied rather that it was, and is its earnest desire to abolish so abominable a commerce every where, I consider myself to be only fulfilling the manifest intentions of the Right honourable the Governor General in council, in putting a stop to the sale of human beings in the town and county of Delhi. I have accordingly proclaimed the orders of government for the abolition of the slave trade.

I am, &c.

Delhi, 4th September 1812. (signed) *C. T. Metcalfe*, Resident.

To C. T. Metcalfe, Esq. Resident at Delhi.

N° 21.

Sir:—I am directed to acknowledge the receipt of your letter of the 4th instant, notifying your having issued a proclamation for the abolition of the slave trade at Delhi and in its vicinity, and to inform you that your adoption of that measure is highly approved by the Right honourable the Governor General in council, under the supposition that it accords precisely with the enactment on that subject, contained in Regulation X. 1811. His Lordship in council, however, desires to be informed of the specific terms in which you have prohibited the traffic in slaves.

I have, &c.

(signed) *N. B. Edmonstone*, Chief Secretary to Government.

Fort William, 25th September 1812.

Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors in the Political Department, dated 15th June 1813.

218.—In the 214th paragraph of our address of the 15th October last, we had the honour to apprize your Honourable Court that the Resident had issued a proclamation for the abolition of the slave trade at Delhi, and in the vicinity, and that we had desired him to inform us of the specific terms in which he had prohibited that traffic.

219.—On the consultation of the annexed date is recorded a dispatch from the Resident, transmitting a copy of the proclamation which he had issued on the subject above referred to. We observed that the proclamation not only prohibited the importation of slaves for sale into the assigned territories, but the sale of slaves actually within those territories previously to its promulgation; a measure which we were not prepared to sanction. Odious and abominable as such a traffic is in any shape, although it must be admitted that the system of slavery in this country is infinitely mitigated when compared with that against which the enactments of the legislature in England have been directed. The laws which have hitherto been enacted to restrain it, have been confined in their object to the trade in slaves by importation or exportation, but have not been extended to the emancipation of persons already in in a state of slavery, nor to the prohibition of their transfer by sale to other masters within the country which they inhabit.

Cons. the 13th November. N°s 12 & 13.

220.—We informed the Resident, that for these reasons and from other considerations of much apparent weight, our views were limited to the prohibition of the further importation of slaves for sale into the territories of the Honourable Company, and we accordingly directed that the terms of the proclamation might be modified, so as to correspond with the enactment contained in Regulation X. of 1811.

221.—The consultation of the annexed date contains the Resident's reply to the instructions, which, as stated above, were issued to him for the modification of the proclamation in question, submitting a statement of the motives and considerations which had induced him to suspend the publication of the modification required,

Cons. 26th Feb. N° 5.

110625

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until he should receive our further orders and instructions on the subject. The Resident stated, that a general opinion prevailed among the natives that the total abolition of the slave trade had taken effect in the ceded and conquered provinces, that he had not found that the prohibition of the sale of slaves had occasioned any surprise at Delhi, and that the people there were not aware that by the proclamation which he had issued, greater restrictions were in force in the assigned territory than in any other part of the country; and that should it be published in that territory, that slaves of a certain description might continue to be sold, it would give a more formal sanction to the sale of slaves than that traffic was ever believed to possess. The effect of this erroneous belief on the part of the natives, appeared to the Resident to be attended with salutary consequences, and he submitted that it was not desirable the delusion should be removed by the publication of a formal sanction for the sale of any description of slaves.

222.—We signified to the Resident our concurrence in the grounds on which he had suspended the execution of our instructions, and having taken the subject of his dispatch last referred to into consideration in the Judicial Department, we resolved that the proclamation issued by the Resident should continue in full force and effect. For the detail of our proceedings on the subordinate points submitted for our consideration in the Resident's dispatch, before referred to, we beg leave to refer your Honourable Court to our resolution in the Judicial Department, of which a copy has been also recorded on the Political Consultation of the annexed date, to which we beg leave to refer your Honourable Court, and to a letter which we directed the secretary to address to Mr. Metcalfe from this department, founded on that resolution.

Cons. 12th March. N° 46, 47.

Extract, Bengal Political Consultations, 13th November 1812.

Read the following Letter, Resident at Delhi, (N° 124,) to N. B. Edmonstone, Esq. Chief Secretary to Government.

Delhi Residency, Fort William.

N° 12. Sir:—In reply to your letter of the 25th ultimo, I have the honour to transmit a copy and translation of the proclamation issued by me for the abolition of the slave trade within the assigned territory.

2.—At the time when the proclamation was issued, I had not had an opportunity of seeing Regulation X. of 1811. I trust, however, that nothing will be found in the proclamation differing from the spirit of that regulation.

3.—I beg leave to recommend that I may be authorized to issue a supplementary proclamation, declaring that no right of property will be acknowledged in slaves purchased hereafter without this territory, and introduced as slaves; and that all slaves so purchased and introduced will be considered free, and at their own disposal from the time of their being brought within the frontier of the British dominion.

4.—Without some regulation of this nature, slaves may be sold within a yard of the frontier, and the former prohibition will prove nugatory.

I have, &c,

Delhi, 24th October 1812. (signed) *C. T. Metcalfe*, Resident.

N° 13. Translation of a Proclamation issued at Delhi on the 4th of September 1812.

Notice is hereby given, That no person whatsoever within the territory of the Government is to buy or sell any slave, either male or female, or in any way to continue that bad practice as heretofore. If any one, after the date of this notice, shall import and sell, or shall purchase any slave, male or female, such persons, both seller and buyer, will be considered as deserving of punishment, and shall be punished accordingly. Further also, every slave, male or female, that shall hereafter be bought or sold in this territory shall be released and made free.

(signed) *C. T. Metcalfe*, Resident.

A true Translation. (signed) *T. Wilder*, 1st Assistant.

N° 14. To Resident at Delhi, C. T. Metcalfe, Esq.

Sir:—I am directed to acknowledge the receipt of your letter of the 24th ultimo, enclosing a translation of the proclamation issued by you for abolishing the slave trade in the assigned territory.

2.—The Governor General in council observes, that your proclamation not only prohibits the importation of slaves for sale into the assigned territories, but the sale of slaves

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slaves actually within those territories previously to its promulgation, a measure which his Lordship in council was not prepared to sanction. Odious and abominable as such a traffic is in any shape, the laws which have hitherto been enacted to restrain it, have been confined in their object to the trade in slaves by importation or exportation, but have not been extended to the emancipation of persons already in a state of slavery under the old law, nor to the prohibition of their transfer by sale to other masters, within the country which they inhabit.

3.—For these reasons, and from other considerations of much apparent weight, the views of government have been limitted to the prohibition of the further importation of slaves for sale into the territories of the Honourable Company; and you will observe, that Regulation X. of 1811 is confined to this object. In conformity, therefore, to the sentiments conveyed to you in Mr. Edmonstone's letter of the 25th of September, his Lordship in council desires that the terms of your proclamation may be modified, so as to correspond with the enactment contained in that regulation.

I have, &c.

(signed) *J. Adam*, Secretary to Government.

Fort William, 13th November 1812.

Ordered, That copies of the dispatch from the Resident at Delhi, dated 4th, and the reply of the 25th September, as also copies of the dispatch from that officer, and the reply above recorded, be sent for information to the Judicial Department.

Extract, Bengal Political Consultations, 26th February 1813.

Read the following letter; Resident at Delhi to John Adam, Esq. Secretary to Government.

Fort William.

N° 5.

Sir:—I have the honour to acknowledge the receipt of your dispatch of 13th November, directing a modification of the proclamation issued by me, regarding the abolition of the slave trade in this territory.

2.—In modifying that proclamation, it will be necessary to determine precisely, what species of traffic will, and what will not, be allowed.

3.—Before the former abolition, the sale of slaves was supposed to be discouraged to the utmost degree, and barely tolerated by the British government. There never, I believe, was so formal a sanction given to the sale of slaves under the British government in this quarter of India, as will be given when it shall be published in this territory, that slaves of a certain description may be sold.

4.—In issuing, therefore, such a formal sanction, it is necessary to prescribe such limitations as may prevent the abuse of the privilege.

5.—I am aware that this dilemma has arisen from my having misunderstood the views of government regarding the slave trade, and I consequently the more lament the error which has involved such consequences.

6.—I nevertheless hope, that the necessity of soliciting further instructions on this subject, will procure for me the indulgence of the Right honourable the Governor General in council, and be deemed a sufficient excuse for my delaying the publication of the modification of the late proclamation, until I may be honoured with orders in reply to this reference.

7.—I now understand the views of government to be, that slaves shall not be imported for sale, into the British territories, but that slaves not imported for sale since the date of Regulation X. A. D. 1811, may be sold.

8.—One point, however, in which I hope to be favoured with the further instructions of government is, whether persons imported as the slaves of a family, or an individual not ostensibly, nor perhaps at the time really, for the purposes of sale, may afterwards be sold or not. It is obvious, that if slaves so imported, are afterwards saleable, the orders of government prohibiting the importation of slaves, may be easily evaded, and ultimately rendered nugatory, and yet absolutely to prohibit the importation of such slaves, would be a more direct innovation on the habits of the people, than the total abolition of the sale of slaves.

9.—Another still more important point is, whether children born in slavery are to be considered hereafter as slaves, and may be sold as such. It is the habit of the country to consider the children of female slaves as slaves also; yet it is impossible to think without horror, of whole generations being born to slavery; and if the sale of such slaves be admitted, whilst importation is prohibited, every female slave in the country will perhaps be made, if possible, to breed for the profit of her owner.

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10.—If it had not appeared to me to be necessary to solicit further instructions on these points, I should immediately have executed the orders contained in your letter of the 13th November; but though I regret extremely that I should occasion so much trouble on this subject, I trust that it will appear that these points are worthy of consideration.

11.—And I also hope to be excused, if I venture to avail myself of the present opportunity to submit some explanatory observations on the subject of the proclamation issued by me for the total abolition of the sale of slaves in this territory, and to express the apprehensions which I entertain, that the prohibition of importation, without the abolition of the sale, may not produce the effect which is probably in the contemplation of the Right honourable the Governor General in council.

12.—I rely on the usual indulgence of his Lordship, that I shall not incur his displeasure, if I take the liberty of stating my sentiments freely on this interesting and important subject.

13.—When I issued the proclamation for the abolition of slave trade in this territory, I was under an impression that the total abolition had taken effect in the ceded and conquered provinces. Such is the prevailing idea among the natives, and the errors appear to me to be salutary. I cannot say to what circumstance the delusion may be owing, but it is certainly generally understood in this quarter, that the sale of slaves is strictly prohibited in the ceded and conquered provinces. It is necessary for me to explain, that I acted completely under the influence of this belief, for I should be sorry indeed to have it conceived, that I was guilty of the presumption of wilfully issuing an order different from the orders issued under the authority of government.

14.—In issuing a proclamation for the abolition of the future importation and sale of slaves, I had no idea of infringing on the rights of the actual proprietors of slaves purchased or possessed heretofore. All the proprietors of slaves in this territory, notwithstanding that proclamation, retain all their rights over their slaves, except that of selling them or making them the property of another. This is perfectly understood, in consequence of the decisions given in the court of judicature in trials between owners and slaves. I have more than once embraced the opportunity afforded by such trials to explain publicly, that slaves are still the property of their owners, though not (with reference to my former misconception of the views of government) as heretofore disposable property.

15.—I do not find that the prohibition of the sale of slaves has occasioned any surprise at this place. It is considered to be merely the extension to this territory of the orders promulgated in other parts of the British dominions, and from a general misunderstanding of the orders of government issued elsewhere on this subject, it is not known that greater restrictions are in force in this district at the present moment than in any other part of the country.

16.—It is desirable in my humble opinion, that this delusion should not be done away, either here or elsewhere by a formal sanction for the sale of slaves. If the sale of slaves be understood, as it is at present, to be prohibited as well as the importation, the orders of government regarding the latter will be effectual; but if the sale be permitted, I much fear that either from connivance or want of vigilance on the part of native police officers, the sale will not be confined to those who were slaves within the British territory before the promulgation of Regulation X. of 1811.

17.—The natives of this country are undeniably greatly addicted to the purchase of slaves, especially of the female sex; some because slaves are kept at a less expense than other servants, others for the sake of the privacy of the apartments of their wives, others for the gratification of their own vicious propensities, others for the purpose of public prostitution. They will go to any expense, and run any risk to procure slaves. If there be any way left open for the purchase of slaves, slaves will be imported, notwithstanding the regulation to the contrary, and the propensity can only, I fear, be effectually checked by a decided and total abolition of the sale.

18.—The sale of slaves once domiciliated in a respectable family is so uncommon, that the permission to sell such slaves would be no general gratification to the people; nor would it be worth while to contend for the abolition of that permission, if it could be strictly confined within its proper bounds. What I apprehend is, that under cover of that permission, slaves will be imported under false pretences, and afterwards sold; that children yet unborn, will be born to perpetual slavery, to be trafficked with most likely for the purposes of public prostitution; in short, that the humane and benevolent views of the British government will be frustrated by a permission, which, if it could be confined within the limits prescribed for it, would neither be generally useful, nor extensively detrimental.

19. It

19.—If there be any truth in this statement, I would argue with respectful deference, that the non-abolition of the sale of slaves is not of sufficient consequence to be worth retaining to the people, except inasmuch as it would tend to defeat the object of the abolition of the importation.

20.—I beg leave once more to apologise for intruding these sentiments, which are submitted in the humble belief that they will be indulgently received by the Right honourable the Governor General in council, whatever may be his Lordship's decision on the question.

I have, &c.

Delhi, 3d January 1813. (signed) *C. T. Metcalfe*, Resident.

To C. T. Metcalfe, Esq. Resident at Delhi.

N° 6.

Sir:—I am directed to acknowledge the receipt of your letter of the 3d ult., in reply to the instructions of the 13th November last, directing a modification of the proclamation issued by you respecting the abolition of the slave trade in the territory of Delhi.

2.—The motives and considerations which have induced you to suspend the publication of the modification required under those instructions, until the receipt of the further orders of government are entirely approved by the Governor General in council.

3.—The subject of your letter above acknowledged, will be taken into consideration by the Governor General in council in the judicial department, and the result of his Lordship in councils' deliberations, will be communicated to you hereafter. In the mean time, I am directed to desire, that you will continue to suspend the publication of the modification directed by your former letter above alluded to.

I have, &c.

(signed) *J. Adam*, Secretary to Government.

Fort William, 26th February 1813.

Ordered, That a copy of the foregoing letter from the Resident at Delhi, and of the reply, together with copies of the former correspondence on the subject recorded on the proceedings of the 25th September and 13th November 1812, consisting of—

1.—A letter from the Resident at Delhi, dated 4th September 1812.

2.—Ditto to the Resident, dated 25th September.

3.—Ditto from the Resident, dated 24th October.

4.—Ditto to the Resident, dated 13th November,—be sent to the judicial department, where the subject will be taken into consideration in that department.

Extract, Bengal Judicial Consultations, 6th March 1813.

Criminal.

N° 1.—Extract from the Proceedings of the Right Honourable the Governor General in Council in the Political Department, under date the 26th February 1813.

N° 42.

(Here is entered the preceding correspondence.)

Ordered, That copies of the above correspondence be sent to the judicial department, when the subject of the letter from the Resident, under date the 3d ultimo, will be taken in consideration by the Governor General in council in that department.

(True extract.) (signed) *J. Adam*, Secretary to Government.

Ordered, That the secretary write the following letters to the Resident at Delhi.

To the Resident at Delhi.

N° 43.

Sir:—The Right honourable the Governor General in council having taken into his consideration, in the judicial department, the letter addressed by you to the secretary in the political department, under date the 3d January last, directs me to communicate to you the following remarks and orders on the subject of your address.

2.—You have been already informed that the Governor General in council entirely approved the motives which had induced you to suspend the modification proposed to be made in the proclamation issued by you respecting the abolition of the slave trade.

Bengal Papers: State of Slavery in Company's Territories.

3.—On recurring to the terms of that publication, the Governor General in council observes, that the prohibition against the purchase and sale of slaves is absolute. The prohibition regarding the importation of slaves is much less so, it being stated, that if any person "shall import and sell," &c. The offence of importing would not therefore be complete, nor consequently liable to punishment, unless a sale took place of the imported slaves.

4.—In both these respects, therefore, the tenor of your proclamation differs from the provisions contained in Regulation X. 1811, which prohibits the importation of slaves into the British territories in the most general and comprehensive manner possible, but is silent as to the sale of slaves.

5.—It is observed in your letter, and apparently on very substantial grounds, (considering the local situation of the territory subject to your superintendence), that you apprehend "that the prohibition of importation, without the abolition of "the sale, may not produce the effect which is probably in the contemplation of "government." You further intimate, in the 15th paragraph of your letter, that the prohibition which has actually taken place of the sale of slaves, in the places subject to your superintendence, has not occasioned any dissatisfaction.

6.—It will naturally occur to you, that in the measures and arrangements which have been or may be adopted with respect to this important question, it must necessarily be an object of the anxious solicitude of government to reconcile, as far as possible, the abolition of this odious traffic with the prevailing sentiments of the people, and with the obvious expediency of guarding against dissatisfaction in so large a part of the community, as would be affected by the prohibition of the sale of slaves.

7.—On the grounds last mentioned, the government would hesitate to go further than it has already done in prohibiting the importation of slaves into the other districts and places subject to the presidency of Fort William; but for the reasons already adverted to in the 5th paragraph of this letter, the Governor General in council has been pleased to resolve, that the orders already issued by you, prohibiting also the sale of the slaves in the territory subject to your superintendence, continue in full force and effect.

8.—It will still remain to modify the tenor of the proclamation issued by you under date the 4th of September last, so as to render the importation of slaves into places subject to your control, absolute, as is done with respect to the other parts of the British territories, by section 2, Regulation X. 1811.

9.—It likewise appears to merit consideration, whether it be preferable to establish a specific penalty for the offence of importing slaves on the principle of the provision contained in section 3. of the above mentioned Regulation, or whether the punishment should be discretionary, as would appear to be the case under the proclamation already issued by you.

10.—In the final decision of this question, the provision adopted in section 4 of the Regulation above noticed, respecting the disposal of children reported as slaves, likewise appears to merit your attention.

11.—With the sentiments above expressed, the Governor General in council desires that you will prepare a revised proclamation, prohibiting both the importation and sale of slaves in the territory subject to your superintendence, and that you will forward it to me, together with a translation, in the Persian language, previously to the issue of it for the approval of government.

12.—In order to give effect to the present intentions of government, it occurs to his Lordship in council that it may be advisable that you should make a communication to the Emperor of Delhi, concerning which you will receive such further instructions as may be judged necessary, from the political department.

Council Chamber, 6th March 1813. I have, &c.

(signed) *G. Dowdeswell*, Chief Secretary to Government.

Ordered, That a copy of the foregoing letter to the Resident at Delhi, on the subject of the slave trade, be sent to the political department for the purpose mentioned in the 12th paragraph of that letter.

To the Resident at Delhi.

N° 44. Sir:—In continuation of the orders of government of the present date, I am directed to acquaint you, that it occurs to the Right honourable the Governor General in council, that the prohibition established against the importation of slaves into the territory subject to your superintendence, should not extend to slaves accompanying

accompanying their masters from other parts of the Company's territories, and not intended for sale. As persons possessing slaves are not restricted under the general laws and regulations from removing them from one district to another, the principles of consistency and uniformity in arrangements of a legislative nature seem to require that no such restriction should be established on the removal of slaves from other parts of the British territories into the places subject to your superintendence. Should it, however, appear to you that any considerations of a local nature oppose the adoption of this suggestion, the Governor General in council will be ready to give full attention to any observations which you may have to offer on the subject. I have, &c.

(signed) *G. Dowdeswell*, Chief Secretary to Government.

Council Chamber, 6th March 1813.

Extract, Bengal Political Consultations, 12th March 1813. N° 46.

N° 883.—Extract from the proceedings of the Right honourable the Governor General in Council, in the Judicial Department, under date the 6th March 1813.

(Here is entered the letter to Mr. Metcalfe, of that date.)

Ordered, That a copy of the foregoing letter to the Resident at Delhi, on the subject of the slave trade, be sent to the political department, for the purpose mentioned in the 12th paragraph of that letter

(A true extract.) (signed) *G. Dowdeswell*, Chief Sec. to Government.

To C. T. Metcalfe, Esquire, Resident at Delhi.

Sir:—In conformity to the intention notified to you, in the last paragraph of the chief secretary's letter of the 6th instant, I am directed to inform you, that the object of the proposed communication to the king, is to apprize him distinctly of the absolute prohibition throughout the assigned territory, of the importation and sale of slaves, and to prepare his mind for the operation of that regulation, as it will affect his Majesty and any of the branches of the Royal Family, who may desire to obtain slaves by importation from foreign countries, or by purchase within the assigned territory, and to invite his Majesty to lay his commands on his family and household, to abstain from such a traffic. N° 47.

2.—His Lordship in council is not certain that such a communication to the king is absolutely necessary, and although he thinks it highly advisable, in order to prevent any operation of the law that might interfere with acts done in his Majesty's name, and by his orders, without previous notification, and consequently hurt his Majesty's feelings much more sensibly, and lead to a much more unpleasant explanation than the proposed friendly intimation, &c.; you are, however, at liberty to withhold it, if you should judge it advisable. I have, &c.

(signed) *J. Adam*, Sec. to Government.

Fort William, 12th March 1813.

Extract, Bengal Judicial Consultations, 22d May 1813.

Resident at Delhi to George Dowdeswell, Esq. Chief Secretary to Government, Fort William. Criminal.

Delhi Residency, Judicial Department.

Sir:—I have the honour to acknowledge the receipt of your two letters of the 6th ultimo, relating to the abolition of the slave trade; I have also the honour to transmit a draft of a proclamation, in English and Persian, for the consideration of the Right honourable the Governor General in council, and I beg leave to add a few observations. N° 70.

2.—In the third paragraph of your dispatch, N° 817, it is remarked, that according to the proclamation issued here, "the offence of importing slaves would not "be complete, nor consequently liable to punishment, unless a sale also took place "of the imported slaves." Although I considered that the sale of slaves was the evil principally to be guarded against, as holding out the temptation which produced the importation, yet it was by no means my intention to sanction the importation, even independent of the sale. I did, however, conceive a difference between the

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importation of slaves, evidently intended for sale, and that of domiciliated slaves, attached for some time previous to families. The first proclamation was directed against the sale of slaves, and the importation of slaves for sale. It was however deficient, as I had soon occasion to discover, and I had it in contemplation to propose a supplementary proclamation, when the subject was taken up by the orders of the Right honourable the Governor General in council, and I stopped further proceedings till the pleasure of his Lordship should be ascertained. The draft now enclosed is prepared according to my present conception of his Lordship's views, and entirely prohibits importation from foreign territories.

3.—It is observed in the 5th paragraph of your letter, N° 817, that I have intimated in the 15th paragraph of my letter of the 3d January, that the prohibition of the sale of slaves had not occasioned any dissatisfaction. It was my intention to intimate, that the prohibition of the sale within this territory had not occasioned any surprise, it being generally conceived that the same prohibition previously existed in all other parts of the British dominions. The prohibition of the traffic in slaves, whether it be announced in a prohibition of the sale, or a prohibition of the importation, must undoubtedly occasion a certain degree of dissatisfaction, but it is amongst the worst orders of the community, amongst the professed dealers in human flesh, whose abominable livelihood is affected by the abolition, and amongst that detestable class of wretches who bring up slave girls, from the earliest age, for public prostitution. The respectable orders of society, although they may experience some inconvenience from the privation, acknowledge the humanity and propriety of the prohibition.

4.—In the 9th paragraph of your letter, N° 817, it is proposed for consideration, whether it be preferable to establish a specific penalty for the offence of importing slaves, or whether the punishment should be discretionary. With respectful deference, I offer my opinion, that it is preferable that the punishment should be discretionary. The existence of a specific penalty would enable the parties disposed to engage in this odious traffic to calculate the prospect of advantage and chance of escape on the one hand, and the quantity of risk on the other. A specific penalty would affect equally all persons concerned in the importation of slaves, though they might merit different degrees of punishment. The conduct of some might be highly criminal and cruel in the mode of procuring the slaves imported, and in every other part of the transaction, whilst the fault of others might be confined to a simple violation of the orders of government, and their conduct in other respects might have been blameless or even praiseworthy. The crime of violating the orders of prohibition would be highly aggravated by repetition; yet if the same specific penalty were annexed to every violation, there would be no way of visiting the aggravated crime with an adequate aggravation of punishment. These inconveniences would be obviated by discretionary punishments. The objections to discretionary punishments are of a general nature; but there is a great latitude of discretion in the hands of the judge in the administration of the criminal law in this country, and in no case, perhaps, would it be more justifiable than in the affixing of punishments for the importation or sale of slaves, according to the degree of wilful criminality manifested in each particular case. I have accordingly not stated any specific penalty in the draft, leaving a blank to be filled up according to the pleasure of the Right honourable the Governor General in council, if the appointment of specific penalties be deemed advisable.

5.—The most difficult part of this question is, the disposal of children imported as slaves. In most instances it is impossible to send them back to their friends and connections in the country from which they may have been imported, and to discharge them instantaneously would be to let them loose on the world without a protector, at the imminent hazard of their being carried away to be sold in other countries. One or two modes suggest themselves of taking care of these unfortunate children, where they cannot be restored to their connections. The boys might be maintained at the expense of government, and taught some useful labour for their livelihood, till of an age to be trusted with the care of themselves; they might then be discharged, having the means of subsistence in their own hands, and the blessing of freedom. The existence of the institution for the reform of boys at Delhi, is favourable to this scheme; useful manufactures are taught there; and boys imported as slaves, too young to be discharged, might receive instruction and acquire the means of earning their livelihood by being attached to that institution, as a separate class, on a different footing from the culprits. The girls could not be brought up in a public institution without danger to their morals. It might be advisable to allow

respectable

respectable families to take them and bring them up as servants, on the condition that they should never be considered as slaves, and that they should be married at a proper age. Many persons would be glad to take charge of these children on these conditions. The boys might be disposed of in a similar manner, if the former suggestion regarding them should not be approved.

6.—It will be necessary always to be very vigilant to prevent the evasion of the orders of prohibition, for every possible mode of evading these orders will be attempted. A dealer in slaves, brought a few days ago to Delhi, a number of children from Rajpootana. He was apprehended, to answer for his conduct. Fully aware of the consequence of importing slaves, he denied that these children were slaves. He pretended that they were free. The children had been taught to say, that they were happy and content to accompany and stay with him. They did not know the fate that awaited them. This person was a native of Peshawur, a professed dealer in slaves. He was carrying these children to Peshawur, indisputably for the purpose of selling them. To have allowed him to do so, would have been sanctioning this attempt at an evasion of the orders of prohibition, it would have been encouraging repetitions of it, and proclaiming the impotence of existing orders. But as the man had disavowed that he had procured the children as slaves, it might have been too severe to punish him. The man was therefore discharged, and permitted to proceed on his journey. The children were separated from him, and ordered to be supported at the expense of government, until they could be sent back to their friends, or otherwise disposed of. In like manner, instances have occurred of persons passing through with children to Rampori in the Rohilla Jageer, where the importation and sale of slaves continues unrestricted. In the earliest instances in which the men disavowed all claim to the children as slaves, and the children said that they were satisfied with the treatment that they received, men and children were all allowed to depart; the men giving in a written engagement, renouncing for ever all claim to the children as slaves. But it soon became evident, that this was a mode adopted to evade the orders of prohibition, and that these unfortunate children purchased or inveigled, or stolen in foreign countries, and deluded as to their future prospects, were to be carried to countries where slavery is still encouraged to be trafficked with as formerly. As long as the prohibition can be evaded by such tricks, temptation will exist to buy and sell in foreign countries, for transportation through the British dominions. To accomplish effectually the abolition of this abominable traffick, every avenue and passage must be closed against it, so that loss and injury and punishment shall become the almost certain consequences of attempting to engage in it.

7.—The instructions contained in your letter, N° 931, have been attended to in the draft herewith transmitted.

8.—The execution of the orders relating to a communication to the King of Delhi, will be reported in the political department. I have, &c.

(signed) *C. T. Metcalfe*, Resident.

Delhi, 16th April 1813.

(Copy.) N° 71.

Draft of a Proclamation proposed to be issued.

WHEREAS on the 2d September 1812, a Proclamation was issued, prohibiting the importation and sale and purchase of slaves within the territory dependent on Delhi; now, with a view to the explanation and better understanding of the intent and meaning of that proclamation, notice is hereby again proclaimed as follows:

1st.—The importation of slaves into the territory of Delhi, from countries not included in the dominions of the British government, is strictly prohibited; and any person infringing this prohibition, shall be liable to be punished by the Court of Criminal Judicature; (except in cases in which the introduction of them may be authorized by the Resident, under instructions applicable to cases of this nature, with which he has been furnished by the Right honourable the Governor General in council.)

2d.—The sale and purchase of slaves in the territory of Delhi, are also strictly prohibited, and any person who shall buy or sell, or shall be concerned in buying or selling, one or more slaves, shall be liable to be punished by the Court of Criminal Judicature.

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3d.—Persons imported as slaves from foreign countries (with the exception stated in the first article of this Proclamation) shall be declared free, and shall be discharged or sent back to their friends or connections in the country from which they may have been imported, or shall be otherwise disposed of, as may appear proper and advisable. (signed) *C. T. Metcalfe*, Resident.

N° 72. Ordered, That the Secretary write the following Letter to the Resident at Delhi.

To C. T. Metcalfe, Esq. Resident at Delhi.

Sir:—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of a letter from you, dated the 16th ult. with its enclosures; and to acquaint you, that his Lordship in council, approves generally the draft of the proclamation submitted by you for preventing the importation of slaves from foreign countries, and for the sale of slaves in the territory subject to your superintendence. An unqualified adherence, however, to the terms of the proclamation prepared by you, regarding the former points, would impose upon you the necessity of liberating slaves, and even of punishing the importers of them, whatever might be their condition or rank in life. It is obviously necessary to guard against so inconvenient and embarrassing a consequence. On those grounds you will observe, that in the accompanying amended proclamation, the Governor General in council has thought proper to reserve to you a power of dispensing with the exigence of the proclamation. His Lordship in council is at the same time entirely of opinion, that this discretion should not be exercised by you, except in cases in which the rank and condition of the party, combined with the circumstances whether of a political, religious or other nature, attending his own entrance into our territories, would render it manifestly improper and inexpedient to interfere with his domestic concerns and arrangements.

2.—From the terms of the proclamation as it now stands, you will naturally conclude, that it is the intention of government to leave the punishment for importing or selling slaves, discretionary with you.

3.—Inclosed you will receive a copy of the amended proclamation in the Persian and Hindostanee languages.

I have, &c.

(signed) *G. Dowdeswell*, Chief Secretary.

Council Chamber, 22d May 1813.

N° 73. Minute.—The Governor General in council deeming it advisable that the prohibition established by Regulation X. 1811, regarding the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the presidency of Fort William, should be rendered as public as possible in the territories of his Excellency the Nawaub Vizier.

Ordered, That a copy of the above-mentioned regulation in the English and Persian languages, be transmitted through the political department to the Resident at Lucknow, with directions to adopt all proper means of rendering the provisions contained in it as generally known as possible.

(signed) *G. Dowdeswell*, Chief Sec^{y} to Government.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal in the Political Department; dated 30th Sept. 1814.

Letter from, dated 15th October 1812 (214, 215). Abolition of the Slave Trade at Delhi.

229.—We very highly approve of the abolition of the slave trade at Delhi and its vicinity; the proclamation issued by the Resident for that purpose appears, however, to have required the modifications prescribed in Mr. Secretary Adams' letter of the 13th November 1812.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Political Department; dated 6th Jan. 1815.

Letter from, 15th June 1813 (218 to 222). Abolition of the Slave Trade at Delhi.

Par. 44.—This subject was noticed in the 229th par. of our letter of the 30th September 1814.

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COMMUNICATIONS received from Thomas Brooke, Esq. Agent to the Governor General in the ceded and conquered Provinces, in 1811, relative to a Traffic in Children kidnapped in the Nepaul Territory, and sold into slavery in the Company's Territories, with the proceedings thereupon.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors, in the Political Department, dated 27th July 1811.

Agent in the ceded and conquered Provinces.

Cons. 26th April. N° 27 to 29.

Par 18.—On the consultations noted in the margin, is recorded a dispatch from the agent to the Governor General in the ceded and conquered provinces, enclosing translations of a letter from Duskrut Sing, an officer of the Nepaul government, stationed at Ahmora, soliciting our co-operation in the prohibition of the traffic carried on in children brought from the hills, and sold as slaves within the Company's provinces.

Par. 19.—With regard to this first point, Mr. Brooke stated, that the abuses which prevailed in the system of traffic, had lately engaged his particular attention, but that in consequence of the above application, he had considered the direct interference of government to be necessary, and had issued instructions to the magistrates of Moradabad, Meerut and Seharunpore and Bareilly, directing the prohibition of the traffic under pain of certain penalties; the agent was informed, in reply, that the measures which he had adopted appeared to us to be perfectly proper, and that the measure of enacting a regulation for the suppression or control of the traffic in slaves, would be taken into consideration in the proper department.

Par. 21.—The details communicated in the subsequent dispatches received from the agent, however, in continuation of the subject of his report relative to the traffic in slaves between the territories of Nepaul and those of the Company, having suggested and assisted a more deliberate consideration of the subject than that which had taken place at the date of the foregoing instructions, we judged it proper to direct it to be signified to the agent, that the traffic under discussion not having been prohibited by a formal regulation of government, could not at the present moment be deemed absolutely illegal, nor consequently of a nature to render those concerned in it subject to penalty, and that the prohibition which the agent directed the magistrates to issue against the traffic in question, and the instructions founded upon it, must be considered to be, strictly speaking, irregular, as wanting the sanction which could alone give to them the authority of law; at the same time the moral principle, abstract justice, and humane object of these measures, combined with the application of the government of Nepaul, precluded us from withdrawing our acquiescence in the employment of means such as the agent had adopted for arresting the progress of this traffic, until a regulation could be framed with a view to its permanent suppression or control. But that under the view which had now been taken of the case, we did not consider the measure suggested in Mr. Brooke's first circular instructions of the 23d March to the magistrates, and reiterated in his subsequent letter of the 26th April to the magistrate at Bareilly, of sending the dealers in slaves, subjects of Nepaul, under the custody to the Sobahdar of Almorah, to be altogether warranted according to the resolution above described; however we approved of Mr. Brooke sending to the Sobahdar of Almorah, on his deputing a person to receive them, the children and adults reported to have been recovered by the magistrate of Bareilly, from the Nepaulese dealers, with the exception, however, of those who might be desirous of remaining in the Company's provinces; these we observed should not be compelled to return, but allowed to reside within our territories in a state of freedom. For the more minute information of your honourable Court, we beg leave to refer you to the agent's dispatches and the instructions issued to him in reply, which are recorded on our proceedings noted in the margin; your honourable Court will observe, that the whole of those documents were referred to the judicial department for consideration and orders, in continuation of the reference of the 26th April.

Cons. 10th May. N° 108 & 109.
Cons. 17th May. N° 60 to 62.

Extract, Bengal Political Consultations, 26th April 1811.

Extracts of a Letter from T. Brooke, Esq. Agent to the Governor General, to the Secretary to Government, at Fort William; dated Bareilly, 8th April 1811.

N° 27.

1.—I have the honour to transmit, for the consideration of His Excellency the Vice President in council, the translations of a letter from Dushrut Sing, an officer of

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of the Nepaul government, stationed at Almorah, and of one addressed by me to Bum Shah Soobah of Kanown.

2.—The points in these letters, on which I solicit to be favoured with the orders of his Excellency, relate first to the traffic carried on in children brought from the hills, who are sold in our provinces as slaves.

3.—On the first point, I beg leave to observe, that previous to the present application, the abuses which existed in the traffic of children, had in my late circuit particularly engaged my notice, and it was my intention to have brought the subject forward to the consideration of government, through the Nizamut Adawlut. This intention is now anticipated from the request of the officers of the Nepaul administration, for a co-operation in their measures towards an amelioration of the situation of the inhabitants of the mountains, and an immediate and zealous interference appeared necessary, and I trust the instructions which have been issued from this department to the magistrates of Moradabad, Meerut, Saharunpore and Bareilly, (of which a copy is inclosed) will meet the approbation of his Excellency; but to put an effectual stop to this traffic, which, I am persuaded in several instances, is carried on under many circumstances of aggravation, iniquity and barbarity, it will be necessary to enact a regulation, rendering the traders, who are subjects of our government, punishable for the offence.

12.—To the Jemydhar of the Soobah, was given the sum of fifty rupees to defray the expenses of carrying back the children entrusted to his care, and which sum, together with the cost of a few articles of Europe manufacture, sent to Hushee dul Shah to the value of an hundred rupees, I trust to be permitted to charge in my public accounts.

13.—It would have been desirable to have sent a suitable present to the Soobah Bum Shah, but as I was on the circuit when I received his letters, it was not in my power to do it. The articles most acceptable, would be a pair of double barrelled pistols, a good acromatic telescope and a watch of moderate value.

14.—With sanction of his Excellency, these articles shall be procured and sent to the Soobah, or if the request be not improper, I would solicit the favour of their being transmitted to me by the Dawk bangey from Calcutta.

N° 28. Translation of a letter from Bushee Dusruth Sing, dated 14th January 1811.

After usual compliments.

Having in conjunction with Kajee Bahadur Sing, been appointed by the Maha Rajah of Nepaul, to settle and manage the public affairs in the mountains, from the river Buhnee to the Jumna, I have reached Almora, and the Kajee has proceeded to Surrenugur, to which place I shall also go, after completing the affairs of the Zilla of Kumown. The confirmed and established friendship and alliance existing between the two governments, being universally known, must consequently be manifest to you. With respect to the expectations entertained relative to the advantage and promotion of the affairs of the state, you no doubt are well acquainted, some narrow minded men, regardless of this end, have of late conveyed away the inhabitants from the hills into the lower provinces, to carry on a slave trade, a practice which is not sanctioned either by the British regulations or the Hindoo laws. I am here, by my master's directions, zealously active to admonish and chastise all such miserable oppressors, and I entertain hopes that injunctions will be sent to the officers of the British government, to search after and apprehend all persons of this description, who may withdraw themselves into your territories to carry on this traffic, and that they may be delivered over to the charge of our officers; by so doing, you will perform a great act of charity and benevolence, and strengthen the ties of friendship between both states. Whatever orders or commands you may have from this Zilla, you will highly honour me by expressing them, that they may be fully executed.

Extract, Translation of a Letter from the Agent of the Governor General, to Kajee Bum Shah Soobah of Kumown; dated the 22d March 1811.

5.—In a letter which I have received from my friend Dusruth Sing, he has requested me to take steps to put a stop to the wicked practice of the trade in slaves; agreeably to his laudable intention, I send back, in charge of your Jemydhar, some slaves which had been purchased without my knowledge, by some of my omlah and servants; and I have furnished the Jemydhar with a passport and subsistence money for them. The magistrates of the several zillahs have also been written to, and

and desired to apprehend all the traders in slaves, and to send those who are natives of the hills to my friend, and likewise all the children that may be found with them. The slave traders who may be inhabitants of this country, will meet with their deserts here. The magistrates have also been desired to furnish the necessary subsistence for the children, and the slave traders, inhabitants of the hills, who may be sent to you, and to furnish me with an account of the expense, which will then be transmitted to his Excellency the Nabob, the Governor General Behadhur, when an arrangement for the disbursement will be made with the Maha Rajah. The number of children sent back under the care of your Jemydhar, will be known by a reference to the passport with which he has been furnished.

To George Oswald, Esq. Magistrate of Zillah Moradabad.

N° 29.

1.—Sir:—I beg leave to enclose you the copy of a letter transmitted by the Soobah of Almorah, requesting the co-operation of the officers of the British government to put a stop to the traffic which is carried on in the sale of children, who are collected on the hills and brought down into our provinces by persons called Burdah Furrosh, by whom they are sold to subjects of our government, who follow a similar profession, and are then conveyed by them into the interior, and disposed of as slaves.

2.—It is not improbable, that in many instances the misery of the parents may compel them to the sale of their offspring, but I am persuaded, from circumstances which have come to my knowledge, that numerous children are inveigled away, some secretly stolen, and instances are not unfrequent where they are forcibly carried off.

3.—But the traffic, under whatever circumstances it is carried on, is so repugnant to the principles of our government, and so uncountenanced, by either the Mussulman or Hindoo law, that it justifies the most vigorous measures to put a stop to.

4.—The subject will hereafter be submitted to government, in the meantime I beg leave to suggest, that a proclamation be issued in your zillah, prohibiting the traffic, and directing the police officers to apprehend and send to the coast, all persons who may be concerned in it.

5.—Wherever these persons may turn out to be subjects of the Nepaulese government, you will be pleased to send them under safe custody to the Soobah of Almorah, and wherever they may be subjects of our government, you will be pleased to bind them over, under a mutchelka, in a specific sum, to be forfeited to government, should they ever be discovered to be again engaged in this traffic, besides being subjected to the punishment which may hereafter be declared by government.

6.—The children who may be with these persons, are to be taken care of and fed at the expense of government, and sent back with all speed to the Soobah of Almorah, by whom they will be restored to their families.

7.—A statement of all expenses which may be incurred on this account, had better be transmitted to the political department, to enable an arrangement being made with the Nepaulese government for its reimbursement.

8.—I beg leave likewise to inform you, that it has been stated to me, a considerable number of children are at this time collected at Chilka, Nudquhabad and Cossipore, and to request that immediate steps may be taken for the rescue of those children, and the apprehension of the Burdah Furroshes, or those under whose charge they may be.

9.— You will likewise be pleased to adopt any other measures besides those suggested, which you may consider to be efficacious in putting an end to the traffic.

I am, &c.

Moradabad, 23d March 1811. (signed) *T. Brooke*, A. G. G.

N. B.—Similar letters sent to the magistrates of the north and south division of Scharunpore, and the magistrate of Bareilly.

(signed) *T. B.*

Extract of a Letter from N. B. Edmonstone, Esq. Chief Secretary to Government, to T. Brooke, Esq. Agent to the Governor General; 26 April 1811.

1.—I am directed to acknowledge the receipt of your dispatch, under date the 8th instant, inclosing translation of a letter from Dushrut Sing, an officer of the Nepaul government, stationed at Almorah, on the subject of the traffic carried on in children brought from the hills, and sold as slaves within the Company's territory.

2.—With regard to the first point, the measures which you have adopted, and the instructions which you have issued to the magistrates of Moradabad, Meerut, Scharunpore,

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Soharunpore, and Bareilly, appear to his Excellency the Vice President in council to be perfectly proper. The measure of enacting a regulation for the suppression or control of the traffic in slaves will be taken into consideration in the proper department.

4.—The sum of 50 rupees, which you paid to the Soobahdar's jemydhar to defray the expense of carrying back the children entrusted to his care, and the cost of the articles of Europe manufacture which you sent to Hushee dul Shah, will be passed in your accounts.

5.—The Persian secretary will be instructed to procure and transmit to you the articles described in the 13th paragraph of your letter, as a present to the Soubadar.

Minute,—Ordered, That the foregoing Extracts from the dispatch of the agent to the Governor General in the ceded provinces, and the reply to it, be sent to the judicial department for information; and also, in order that the question of enacting a regulation for the suppression or control of the traffic in slaves be there taken into consideration.

(A true Extract.) (signed) *N. B. Edmonstone*,
Chief Secretary to Government.

Extract, Bengal Political Consultations, 10th May 1811.

Read, the following Letter; Agent at Bareilly to N. B. Edmonstone, Esq. Chief Secretary to Government in the Political Department, Fort William.

N° 108.

Sir:—I have the honour to transmit, for the information of his Excellency the Vice President in council, the copy of a letter from the magistrate of Bareilly, and the copy of my reply, on the subject of a number of children brought from the hills to be sold as slaves, and rescued by his police officers, in conformity to the publication issued at my requisition, and of which the particulars were submitted in my address of the 8th instant.

2.—I trust to be early favoured with the instructions of government, and in the meantime I hope the steps which have been taken will meet with approbation.

I have, &c.

Bareilly, 26 April 1811. (signed) *Thos. Brooke*, A. G. G.

To Thomas Brooke, Esq. Agent to the Governor General, Bareilly.

N° 109.

Sir:—I beg leave to enclose two lists, specifying the names of 43 children, and others who were brought from the hills to be sold, and who were taken up by the police officers of this town and Pillibheet, in consequence of the directions communicated to me, with your letter of the 6th instant.

2.—Of the above number, the nine specified in the list, (N° 1.) have solicited to be sent to the nearest ghaut, from whence they will be able to return to their homes; I shall accordingly dispatch them to-morrow, under charge of a couple of chuprassies, and money to subsist them on the road.

3.—With regard to the remaining 34, whose names are given in the list, (N° 2.) many of them are infants, and unable to refer to the places where their parents reside; and several who have attained the age of maturity, express a decided disinclination to return to their homes, alleging, that their relations, having sold them, will not again allow them to associate with their families.

4.—I beg leave to suggest, that the Nepaul government be requested to depute some of its officers to receive charge of these persons as soon as possible; as I am unable to hire any trustworthy peons who will engage to escort them to Almorah. I shall in the interim subsist them as you desire.

5.—Amongst the persons in whose possession these slaves were found, three are Burdah Furroshes, subjects of this government, whom I shall discharge, on their executing moochulkas; the other proprietors, Nepaulese, appear to have purchased the slaves from others from that country, and as there is no proof of their having obtained them fraudulently, I have not on this occasion deemed it necessary to send them in custody to Almorah, but have seriously cautioned them against again engaging in this kind of traffic.

I have, &c.

Zillah Bareilly, 25th April 1811. (signed) *Thos. Thornhill*, Magistrate.

(A true copy). (signed) *T. Brooke*, A. G. G.

Extract, Bengal Political Consultations, 17th May 1811.

Read, the following letter; Agent at Bareilly to N. B. Edmonstone, Esquire, Chief Secretary to Government in the Political Department, Fort William.

N° 60.

1.—Sir:—In my address of the 8th ultimo, I had the honour to communicate the application which had been made by the officers of the Nepaul government, to put a stop to the traffic in children, and the measures which, in compliance with that application, had been taken.

2.—To give some idea of the extent of this traffic, the manner in which it is carried on, and the abuses to which it is liable, I have the honour to submit, for the consideration of his Excellency the Vice President in council, a copy of a correspondence which has since taken place with the magistrates of Bareilly and Moradabad.

3.—From the letter of the magistrate of Bareilly, it appears, that a few days after the order was issued, several slave traders coming from the hills were apprehended with forty-three of these children, that none of these persons possessed any title under which they could be warranted to sell the children for slaves; that several of these children, who had attained an age of greater maturity, were very happy to get back to their hills, and that the remainder are now under charge of the magistrate until the Soobah of Almorah sends people to escort them back.

4.—The magistrate of Moradabad sent to this office twenty-three children for examination, who turned out to have been purchased by individuals from the slave dealers, prior to the orders being issued, and not intended for a resale. Under these circumstances I did not consider myself authorized to interfere, without the sanction of government; for although the purchases are illegal, long usage has stamped them with a degree of validity, which now calls for a law to abrogate or modify.

5.—These children had all been purchased at the towns of Nudgeebabad and Auggunah, which are established marts, where these children are collected in hundreds. The deeds of purchase, which were inspected, were not executed by the parents of the children, but by the slave dealers, and neither specified the names of the parents, or their places of residence, or where and how procured, or any circumstance by which they could be traced or identified, nor with these deeds was any prior title transferred, by which a presumed right in the slave dealers to make the sale might be inferred.

6.—From what I can learn, the greater majority of children brought from the hills are females, who are purchased for concubines to supply the stews and brothels with prostitutes, and some as attendants in zenanahs.

7.—That the greater number are females, is corroborated from the children here alluded to, out of which fifty-two were females, and only fourteen males.

8.—The males are for the most part employed as domestic servants, who sometimes obtain comfortable establishments in the families by whom they were bought as slaves; this occurrence I believe to be rare, the greater number leading a laborious life for bare subsistence, and are often hardly treated.

9.—But the traffic, although divested of the enormities of the African slave trade, is still attended with circumstances of cruelty, which can only be put a stop to by the interposition of government.

10.—From the encouragement which the trade has hitherto met with in our provinces, kidnapping children has been introduced; nor are instances unfrequent of their being forcibly carried off. Men likewise are found, who, tempted by lucre, sell their wives; of this an instance was established in the cases before me. It has also introduced the practice amongst the more powerful inhabitants to seize the children of their debtors, and to sell them in satisfaction of their demands. These instances suffice to establish the dreadful system of oppression and cruelty which arises from this traffic.

11.—Instances of course must be numerous in which the misery of the parent, groaning under an oppressive government, and in a country where the productions of the earth are at the best of times scanty, are compelled to the sale of their offspring. These instances by which the existence of the parents and the children are preserved, induces the hesitation against a total abolition, and whether it might not be more consonant to sound principles of humanity to establish rules, by which abuses may be prevented; but I am not prepared to suggest rules which would embrace the object.

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12.—At any rate, it appears desirable that the whole class of people who purchase children with a view to a future sale, should be subjected to severe penalties, and that the magistrates should be directed strictly to prohibit any of the towns in the British territories being a mart for the reception and sale of children.

13.—But the rules which may be established against the slave traders are not applicable to persons who may purchase slaves for their own service, without intention of a resale; it becomes therefore a distinct consideration how these persons are to be dealt with. Established rules, if the practice is to be allowed, becomes necessary; otherwise a door is left open for successful evasion.

14.—With reference also to the 4th paragraph of the letter to the magistrate of Bareilly, dated 26th April, a question arises, where children have attained maturity, and have been purchased as slaves, and prefer slavery to being sent back to their own country, what decision is to be passed which can meet the views of the Nepaul government to prevent the slavery of their subjects.

15.—Thé further communications I may have with the Soobah of Almorah shall be duly submitted to his Excellency. I have, &c.

Bareilly, 3d May 1811. (signed) *T. Brooke*, A. G. G.

(Copies).—To Thomas Brooke, Esq. Agent to the Governor General, Bareilly.

N° 61. Sir:—I beg leave to inclose two lists, specifying the names of forty-three children, and others who were brought from the hills to be sold, and who were taken up by the police officers of this town and Pillibheet, in consequence of the directions communicated to me with your letter of the 6th instant.

2.—Of the above number, the nine specified in the list (N° 1.), have solicited to be sent to the nearest ghaut, from whence they will be able to return to their homes; I shall accordingly dispatch them to-morrow, under charge of a couple of chuprassies, and money to subsist them on the road.

3.—With regard to the remaining thirty-four, whose names are given in the list (N° 2.) many of them are infants, and unable to refer to the places where their parents reside; and several who have attained the age of maturity express a decided disinclination to return to their homes, alleging that their relations having sold them, will not again allow them to associate with their families.

4.—I beg leave to suggest that the Nepaul government be requested to depute some of its officers to receive charge of these persons as soon as possible, as I am unable to hire any trust-worthy peons, who will engage to escort them to Almorah. I shall in the interim subsist them as you desire.

5.—Amongst the persons in whose possession these slaves were found, three are Burdah Furroshes, subjects of this government, whom I shall discharge on their executing mutchulkas; the other proprietors, Nepaulese, appear to have purchased the slaves from others from that country, and as there is no proof of their having obtained them fraudulently, I have not on this occasion deemed it necessary to send them in custody to Almorah, but have seriously cautioned them against again engaging in this kind of traffic. I have, &c.

(signed) *Thos. Thornhill*, Magistrate.

Zillah Bareilly, 25th April 1811.

To Thomas Thornhill, Esq. Magistrate of Zillah Bareilly.

Sir:—I beg leave to acknowledge the receipt of your letter of yesterday's date, with the list of children rescued from slavery, and reporting the discharge of the traders in whose possession they were found, on their executing mutchulkas, binding themselves to desist from this traffic in future.

2.—From the purport of your observations with respect to these dealers, it may be inferred, that although no proof existed of the children having been fraudulently obtained, there was none of their having been legally purchased, and in the absence of this proof, fraud of some sort may be presumed; in future, therefore, it will be advisable to send the dealers, who are subjects of Nepaul, to the Soobah, instead of releasing them on admonition.

3.—With reference to the 3d paragraph of your letter, I shall immediately write to the Soobah of Almorah to send persons to convey back the thirty-four children now under your care; and as it appears that several of those children have attained an age of maturity, it would be satisfactory to obtain the names of their parents, and the names of hills from which they have been brought to be transmitted to the Soobah.

4.—The

4.—The objection which you state to be advanced by several of these children to a return to their homes, as their relations who have sold them will not again allow them to associate with their families, is irreconcilable with the intention expressed by the nine children mentioned in second paragraph, who only wish to be conducted to the nearest ghaut to enable them to return to their families; I am, therefore, disposed to suspect that the slave dealers may have influenced them to offer this objection. Should you, however, be persuaded that it is their desire to remain in these provinces, and that they have attained near to the full age of puberty, it becomes a question, which must be referred to government, what is to be done with them.

Bareilly, 26th April 1811. I am, &c.

(signed) *Thomas Brooke*, A. G. G.

To George Oswald, Esq. Magistrate of Zillah Moradabad.

Sir:—A peon of your court, accompanied by the five hills people mentioned in your Persian proceedings, arrived here to-day.

2.—As it does not appear the purchasers are dealers in slaves, but bought these persons at Nudgurabad for their own service prior to the promulgation of the proclamation, the case does not strictly come within the operation of the orders of the 20th of March, which was restricted to the apprehension of the slave dealers by profession, and the restoration of the children that might be found with them.

3.—Of the illegality of the traffic there can be no question, consequently it is desirable that it should be put a stop to; but the penalty which individuals incur for the purchase must rest with the determination of government. In the mean time, by prohibiting a mart for the vend of slaves, we may rely that few individuals would proceed to the hills to make the purchase of slaves, which they only require for themselves.

4.—Instead of sending the parties to this office, I request you will be pleased to pass your own decision on the case brought before you; and instead of transmitting me a copy of your Persian proceedings, you will be pleased, whenever occasion may require it, to send a report in English, that I may be enabled to forward the same without delay to government. I am, &c.

Bareilly, 29th April 1811. (signed) *T. Brooke*, A. G. G.

To G. Oswald, Esq. Magistrate, Moradabad.

Sir:—A peon of your court has delivered your Persian proceedings, accompanied by 18 children, who have recently been purchased as slaves at Nuggeenah Hidgeebad.

These purchases appearing to be similar to those before sent by you; I have no observations to make in addition to those offered in my letter of the 29th ultimo.

I am, &c.

Bareilly, May 1st, 1811. (signed) *T. Brooke*, A. G. G.

To the Agent at Bareilly, T. Brooke, Esq. Agent to the Governor General, Ceded Provinces.

Sir:—I am directed to acknowledge the receipt of your letters under date 26th ultimo and 3d instant, in confirmation of your report of the 8th ultimo, on the subject of the traffic in slaves, between the territories of Nepaul and those of the Company. N° 62.

2.—The details communicated in these letters, report having suggested and assisted a more deliberate consideration of the subject than that which had taken place at the date of my reply to your dispatch of the 8th ultimo, I am directed to communicate to you the following observations and instructions.

3.—The traffic under discussion not having been prohibited by a formal regulation of government, cannot at the present moment be deemed absolutely illegal, nor consequently of a nature to render those concerned in it subject to penalty; and the prohibition which you directed the magistrates to issue against the traffic in question, and the instructions founded upon it, must be considered to be, strictly speaking, irregular, as wanting the sanction which can alone give to them the authority of law; at the same time, the moral principle, abstract justice, and humane object of these measures, combined with the application from the government of Nepaul, preclude his Excellency in council from withdrawing his

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acquiescence in the employment of means, such as you have adopted, for arresting the progress of this traffic, until a regulation can be framed with a view to its permanent suppression; but under the view which has now been taken of the case, his Excellency in council does not consider the measure suggested in your first circular instructions of 23d March to the magistrates, and restated in your subsequent letter of 26th ultimo to the magistrate of Bareilly, of sending the dealers in slaves, subjects of Nepaul, under custody to the subadar of Almorah to be altogether warrantable. The reason indeed which you have assigned for the repetition of that point of your instructions, namely, that bacause there was no proof of the children having been legally purchased, fraud of some sort must be presumed, does not appear to his Excellency in council to be conclusive. Some of the adults acknowledged that they had actually been sold by their relations; as far as they are concerned therefore, there is proof of the absence of fraud; with regard to the rest, a presumption of fraud, founded merely on a want of proof to the contrary, cannot be considered to constitute a justifiable ground of proceeding.

4.—According to the resolution above described, his Excellency in council approves of your sending to the subadar of Almorah, on his deputing a person to receive them, the children and adults recovered by the magistrate of Bareilly from the Nepaulese dealers, with the exception, however, of those who are desirous of remaining in the Company's provinces. These should not be compelled to return, but be allowed to reside within our territories in a state of freedom. With reference to this point I am directed to observe, that the argument from which you have deduced a suspicion of the employment of undue influence on the part of the dealers to induce the above mentioned adults to express a desire of remaining contrary to their real inclination, does not appear to be solid; you have remarked, that their objection to return to their homes because their relations who had sold them, would not again allow them to associate with their families, is irreconcileable with the intention expressed by the nine children, who only wished to be conducted to the nearest ghaut, to enable them to return to their families. The difference of caste, however, might reconcile this apparent inconsistency, or the nine children in question might have been stolen and the others fairly purchased from their parents; again the latter may have motives connected with their condition in their own country, of a nature to render them desirous of being settled in the Company's provinces, and may have reasons for alleging a fictitious obstacle to their return.

5.—With respect to the 23 children sent to you by the magistrate of Moradabad, for examination, who had been purchased by individuals from the slave dealers before your prohibition of the 23d March was promulgated, and not intended for resale, his Excellency in council concludes from the tenor of the 4th paragraph of your letter of the 3d instant, and from your letter to the magistrate of the 29th ultimo, that they have been restored to the proprietors, if not, it is the wish of his Excellency in council that they should be so restored.

6.—The observations in your letter of the 3d instant, which have reference to the rules to be established for the abolition or limitation of the traffic in slaves, will be taken into consideration in the proper department.

I have, &c.

(signed) *N. B. Edmonstone*, Chief Secretary to Government.

Fort William, 17th May 1811.

Ordered, That copies of the agent at Bareilly's despatch of the 26th April, recorded on consultation of 10th May, and of the foregoing one, together with copy of the reply of this date, be sent to the Judicial Department, in continuation of the reference to that department of the 26th ultimo.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal in the Political Department; dated 18th February 1814.

Letter from the Government, dated 27th July 1811, (18, 19 and 21) relative to the measures adopted for the prevention of the trade in children carried on between the Upper Provinces and the territories of Nepaul.

Par. 63.—We entirely approve of the measures which have been adopted for the prevention of the trade in children, carried on between the upper provinces and the territories of Nepaul.

Par. 64.—We hope that the regulation referred to in the 111th paragraph of your letter in the Judicial Department, dated 29th October 1811, for preventing the

the importation (in general) of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on your Presidency, will be effectual to its object.

CLAIM preferred before the Court of Sudder Dewanny Adawlut, for the restoration of certain Slaves who had escaped from the Nepaul Territory, and sought an Asylum in the British Territories; with the decision of the Government thereupon: 1810.

Extract, Bengal Judicial Consultations, 6th July 1810. Civil.

Read the following Letter: Register of the Sudder Dewanny Adawlut to George Dowdeswell, Esq. Secretary to Government in the Judicial Department.

Sir:—I am directed by the court of Sudder Dewanny and Nizamut Adawluts to request that you will lay before the Right honourable the Governor General in council, the accompanying original letter from the magistrate of Zillah Goruckpore, dated the 5th instant, together with a translate of its Persian enclosures. N° 1.

2.—A right of property in slaves being recognized by the laws in force, the court are of opinion that the claim is regularly cognizable in the civil court, and if left to the regular course of justice must be tried and determined accordingly.

3.—But as the issue of this suit may involve the delivering up six persons, the subjects of a foreign state, who have sought an asylum in the British territory, and as the Governor General in council may possibly deem it expedient to satisfy the claim of the plaintiff for the value of the slaves rather than allow them to be surrendered, the court submit the case for the information of government.

I am, &c.

Fort William, 28 June 1810. (signed) *J. Shakespeare,* Register.

Abstract of proceedings in the case of Dusrut Tuppa, prosecutor, versus Nathee, Sobhaee, Jeewe, Muss[t] Dhunsree, Muss[t] Joonhee and Muss[t] Lamee, defendants, whom he claims as his absconded slaves. Held before Charles Dumbleton, Esq. magistrate of the Zillah Goruckpore, from the 30th March to the 26th of April 1810. N° 2.

On the 30th of March the plaintiff gave in his complaint to the effect above stated, in consequence of which a summons was issued for the attendance of the defendants.

On the 26th of April the cause came to be heard, and the plaintiff deposed to the following effect:

The defendants now present are my slaves who have ran off from me, carrying away a sword and a brazen vessel. Upon inquiry I learnt that they were with Shoobeer Suen Chouturya. It is now fourteen years since I purchased Sobhaee and Jeewee, and Muss[t] Lamee and six others for two hundred and twenty-six rupees. Four years ago I bought Muss[t] Joonhee and her mother, an old woman, for ninety rupees. Nathee and Muss[t] Dhunsree I received from Meer Singh Tuppa, at the value of ninety rupees, as my monthly pay about five years ago. I request that either the slaves be restored to me or their value given in money.

2.—Nathee denied that he was the prosecutor's slave, alleging that he belonged to Shoobeer Suen Chouturya, saying that his father had been a free servant of Chouturya's, and his mother a slave girl of the same person's; that about five years ago Meer Singh Tuppa gave him to the prosecutor, that he might go with him and take charge of his sheep; that accordingly a sepoy came and took him and the sheep and gave them to the prosecutor.

3.—Sobhaee confessed that he was a slave, and said that the prosecutor had purchased him, two of the slaves present and three others, viz. his father, mother and sister, for the sum of one hundred and forty rupees, about twelve or thirteen years ago; that he was employed in the cultivation of corn; that not having received his share according to the custom of the country, and having been struck by the prosecutor's sons, he fled.

4.—Jeewee also acknowledged that he was a slave, but alleged that being employed in cultivating and receiving nothing from the prosecutor he had run away. He represented that if he should now return to the hills the prosecutor would cut off his ears as a punishment for his offence.

5.—Muss[t] Dhunsree acknowledged that she was the slave of the prosecutor, saying, that she having killed her own child was brought by the prosecutor before

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Meer Singh Tuppa, who gave her to him to keep as his slave, that this was the usual punishment for murder in the hilly country; she added, that having received nothing from the prosecutor to eat, she had run off.

6.—Muss[t] Joonhee and Lamee also acknowledged that they were slaves, and alleged the same reason for having run away from the prosecutor.

7.—Nundram, witness, deposed that the prosecutor had purchased Sobhaee, Jeewee, Muss[t] Joonhee and Muss[t] Lamee, and that Meer Singh Tuppa had given Nathee and Dhunsree to the prosecutor's son.

8.—Oodhree, witness, deposed to the same effect, and added, that Meer Singh Tuppa had given Nathee and Dhunsree to the prosecutor's son as payment of his monthly allowance; that Nathee had formerly been the slave of Shoobur Suen, and that Dhunsree having killed her own child had been given by Meer Singh Tuppa to the prosecutor, whose slave she had now been for three years. With respect to the other four persons (whom the prosecutor had bought thirteen or fourteen years ago) the prosecutor not having given them any present they had therefore run off. He further stated, that it was the custom of the hilly country that if any woman put to death her new born infant, she was reduced to slavery by the ruler; but if she be able to give her value to her master he may free her, and in case of a dispute regarding the amount of the purchase money it is to be settled on the oath of the master.

9.—An urzee was given in by Rajah Rutna Suen, Rajah of Butol, to the following effect: that Nathee and the rest who have been apprehended, and brought into court in consequence of the complaint of a person who is an inhabitant of Gorkha, are the slaves of Shoobur Suen, his uncle, that when any of his people or slaves fly from him and settle in Butol, and his servants wish to apprehend them, they are prevented by the officers of the Rajah of Gorkha from entering the country, and threatened with death if they attempt it; that the prosecutor has improperly and without reason brought this complaint (which is founded moreover on calumny and falsehood,) since he (the petitioner) has no power of seeking redress for the loss of his slaves, whom he has lost; that if the slaves were delivered up to the prosecutor, he would certainly put them to death on getting them to his own country.

10.—It thus appears, that the claim of the prosecutor to Sobhaee, Jeewe, Muss[t] Joonhee and Muss[t] Lamee, as being his purchased slaves, is supported by the confession of these four persons, and by the evidence of the witnesses; that the prosecutor declares that he received Nathee and Muss[t] Dhunsree from Meer Singh Tuppa, in payment of his monthly allowance, and that of these two, Muss[t] Dhunsree was reduced to slavery as punishment for murder; that this declaration is confirmed by the confession of Dhunsree; but that Nathee alleges that he is not the prosecutor's, but Shoobur Suen's slave; that the witnesses, however, prove the fact of his having been given by Tuppa to the prosecutor.

The Rajah of Butol (who does not, however, possess the government of the country, it being under the dominion of the Rajah of Gorkha, whose chief ministerial officer is Meer Singh Tuppa), has represented that all the defendants are his slaves, and that the opposite party use violent means in carrying off his slaves.

1 May.—Ordered, That an abstract of these proceedings be sent to the Sudder Court for further orders.

(A true translation.) (signed) *J. A. Mackenzie*, Assistant.

Ordered, That the secretary write the following letter to the register of the Sudder Dewanny Adawlut.

To the Register of the Sudder Dewanny Adawlut.

N°3.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 28th ultimo, with its enclosures, and to desire that you will acquaint the Sudder Dewanny Adawlut, that the Right honourable the Governor General in council has been pleased to authorize the Judge of Goruckpore to pay, in the present instance, the value of the slaves who have been claimed in his court, amounting to rupees 226. At the same time it appears necessary to government to guard against the recurrence of demands of this nature.

2.—Whatever reasons may exist for maintaining the existing laws respecting domestic slavery among the two great classes of the native subjects of this country, the Mahomedans and Hindoos, the Governor in council is not aware of any principle of justice or policy which requires us to render our courts of judicature the instruments for compelling persons who may seek an asylum in the British territories to return

return in bondage to the countries from which they may have emigrated. Unqualified as the Hindoo and Mahomedan laws respecting domestic slavery at present are, his Lordship in council concludes that a regulation will be necessary, in order to establish the modification of it above noticed in the practice of our courts of judicature. The Governor General in council accordingly requests, that the Nizamut Adawlut will prepare, for his consideration, the draft of a regulation, framed on the principle above described.

3.—The original letter from the magistrate of Goruckpore, transmitted by you, is returned enclosed. I am, &c.

(signed) *G. Dowdeswell*, Secretary to Gov^{t}, Judicial Department.

Council Chamber, 6th June 1810.

PAPERS relative to Claims preferred by the Agents of the Captors of Amboyna and Banda, to the value of certain Slaves on those Islands: 1811.

Extract Letter from the Governor General and Council of Bengal (in the Foreign Department), to the Court of Directors; dated 24th July 1811.

Par. 67.—IN a third letter, dated also the 11th May, the agent for the captors claimed a credit of 3,279 Spanish dollars, for various articles under the denomination of slave stores, which fell into the hands of the captors of Amboyna. This letter encloses a statement and valuation of those stores, in which, however, are also included 40 slaves.

Par. 68.—In answer to this claim, we intimated that the principle of the observations of the Governor General in council, replying to the claim of Captain Cole, of His Majesty's ship Caroline, to the value of the slaves on the Island of Banda at its capture, (a subject adverted to in the following paragraph), appeared to us to be precisely applicable to the claim of the captors to the slaves of Amboyna, and generally, to embrace also both the remainder of the claim as above preferred, stated by the agent, and every question relative to prize property found on the island of Amboyna and its dependencies.

Par. 69.—The claim of Captain Cole, mentioned in the preceding paragraph, is contained in his letter to the Governor General of the 6th of April, a copy of which, and of the Governor General in council's reply, we have noticed to be enclosed in the dispatch from Fort St. George of the 31st May; Captain Cole observes, that on his arrival at Fort St. George, he had stated to the governor that the slaves belonging to the different spice parks had remained unmolested at their different occupations, although they were public property; that by the late regulations of His Majesty in council, the captors are allowed a certain sum for each individual that may be captured in a state of slavery; and that the removal of the slaves would have been of considerable detriment to, and perhaps have occasioned the destruction of the valuable property which must ultimately revert to the Company. That, in consequence of the Governor of Fort St. George not considering himself competent to decide on the merits of that application, Captain Cole submitted this claim to the consideration of the Governor General, expressing a confidence that his Lordship would award to the captors the same compensation which they would have derived from the consideration of His Gracious Majesty, had the slaves been moved to the island of Ceylon or the Cape of Good Hope.

Par. 70.—In reply to this reference, his Lordship intimated that he was disposed to think that the regulations of His Majesty in council, adverted to by Captain Cole, applied rather to the case of slaves exported from Africa contrary to the provisions of the Act for the abolition of the slave trade, than to slaves in the situation of those belonging to the spice parks of Banda; but that whatever might be the intention and scope of those regulations, his Lordship in council was precluded from taking the claim of the captors into consideration, as the Island of Banda was taken possession of by a squadron of His Majesty's ships in His Majesty's name; and as it had been determined, that Banda and the other islands captured from the Dutch, should be detained on behalf of His Majesty, under the superintendence and management of the Supreme Government of India, as a temporary arrangement only, until the pleasure of His Majesty should be known; and that therefore the whole of the public property found upon the island was exclusively vested in His Majesty, who could alone dispose of it in such manner as His Majesty might think proper.

Bengal Papers: State of Slavery in Company's Territories.

Extract, Bengal Foreign Consultations, 21st June 1811.

Read the following Letter from Chief Secretary at Fort St. George, Political Department, to N. B. Edmonstone, Esq. Chief Secretary to Government at Fort William.

Sir:—As the Island of Amboyna and its dependencies have been transferred to the authority of the Supreme Government, I am directed by the Honourable the Governor in council to transmit for the information and orders of his Excellency the Vice President in council, the enclosed copies of one letter under date the 12th ultimo, of three letters under date the 11th instant, and of one letter under date the 13th instant, from Mr. Richard Bromley, agent for the captors of these islands.

2.—As connected with the claims stated in the letters from Mr. Bromley, I am also directed to transmit for the further information of his Excellency the Vice President in council, the enclosed copies; of a letter under date the 6th April, from Captain Cole of His Majesty's ship Caroline, on behalf of the captors, to the address of the Right Honourable the Governor General; and of the reply which his Lordship in council deemed it advisable to make.

I have the honour, &c.
(signed) *W. Thackeray*, Chief Secretary to Government.

Fort St. George, 31st May 1811.

To William Thackeray, Esq. Chief Secretary to Government, Fort St. George.

Sir:—Enclosed I beg leave to transmit to you copies of vouchers, tending to establish a further claim for the credit of 3,279 Spanish dollars, for various articles under the denomination of slave stores (prize property,) captured at the Island of Amboyna, which you will be pleased to lay before the Honourable the Governor in council for approval. I have, &c.

Madras, 11th May 1811. (signed) *Richard Bromley*, Agent.

LIST of SUNDRY ARTICLES remaining in charge of *Hendrek Amstet*, Mandvor of the Slaves Quarter, viz.

		Repairable.	Unserviceable.
220	Pieces alaps.		
197	" gabgabbes.		
37	Male slaves.		
3	Female d°		
1	Brass bell.		
2	Iron chains with hooks.		
9	Stocks for convicts	9	
16	Water tubs	7	2
4	Small d°	2	2
16	Spades		12
8	Hoes		8
9	Pick axes		5
10	Iron bolts for locking stocks.		
4	Grass cutters iron		3
2	Crow bars.		
39	Convicts' Irons.		
1	Copper rice pot with cover.		
4	Iron bolts for convicts.		
17	Foot rings to those bolts.		
3	Irons for splitting wood.		
2	Wooden hammers, iron mounted.		
14	Iron hand rings for convicts		14
2	Brass table bells.		
2	Convicts' chains.		
1	Iron crown.		
5	Stool tubs.		
1	Iron sword, with silvered handle.		
14	Padlocks.		

Amboyna, 26th February 1810.

(signed) *M. H. Court*,
Captain Commanding.

(True Copy) (signed) *Richd Bromley.*

ACCOUNT VALUATION.

			Spanish Dollars.
220	Pieces alaps		3
197	D° gabgabbes		2
37	Male slaves	70 Spanish dollars each	2,590
3	Female d°	60 ditto	180
1	Brass bell		40
2	Iron chains with hooks		4
9	Stocks for convicts		18
16	Water tubs		16
16	Spades	3 dollars each	48
8	Hoes	2 "	16
9	Pick axes	2 "	18
10	Iron bolts for locking stocks	2 "	20
4	Grass cutters iron	3 "	12
2	Crow bars	4 "	8
39	Convicts' irons	2 "	78
1	Copper rice pot, with cover		80
4	Iron bolts for convicts	2 dollars each	8
17	Foot rings	2 "	34
3	Irons for splitting wood	3 "	9
2	Wooden hammers, iron mounted	2 "	4
14	Iron hand rings for convicts	2 "	28
2	Brass table bells	3 "	6
2	Convicts chains	2 "	4
1	Iron crown	10 "	10
5	Stool Tubs	1 "	5
1	Iron sword with silver handle	7 "	7
14	Padlocks	2 "	28
		Spanish dollars	3,279

We, whose names are hereunto subscribed, do hereby certify, That the prices affixed to the various articles and slaves specified in the foregoing list is a true, just, and fair valuation of each respectively, and no more.

Given under our hands at Amboyna, this 27th day of February 1811.

(signed) *J. A. Kruehl.* *Tjoa Jjimpe.*
Aei Regs. *Jm. Sney Sing.*

(A true copy.

(signed) *Richard Bromley.* *W. Thackeray,* Chief Sec. to Government.

To the Right honourable Gilbert Lord Minto, Governor General, &c. &c.
Fort St. George.

N° 14.

My Lord:—On my arrival at Madras, after the capture of Banda, I stated to Sir George Barlow, that the slaves belonging to the different spice parks had remained unmolested at their different occupations, although they were public property, and by the late regulations of His Majesty in council, the captors are allowed a certain sum for each individual that may be captured in a state of slavery, and that the removal of the slaves would have been of considerable detriment to, and perhaps occasion the destruction of, the valuable property which must ultimately revert to the Honourable Company.

As Sir George Barlow could not decide on the merits of this communication, I feel it my duty, on behalf of the captors, to lay these circumstances before your Lordship in council, in the full confidence that you will award to the captors the same remuneration which they could have derived from the consideration of His Gracious Majesty, had the slaves been moved to the Island of Ceylon, or the Cape of Good Hope. I shall hope for your Lordship's decision on this point at an early period, as it involves considerations of importance with respect to the welfare of the captors.

I have the honour, &c.

H. M. S. Caroline, Madras Roads, 6th April 1811. (signed) *Christopher Cole,* Captain.

(A true copy.) (signed) *W. Thackeray,* Chief Sec. to Government.

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To Christopher Cole, Esq. Captain of H. M. Ship Caroline.

N° 15.

Sir:—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of your letter, under date the 6th instant, and to inform you, that the inclination of his Lordship's judgment is, that the regulations of His Majesty in council, adverted to in your letter, apply rather to the case of slaves exported from Africa contrary to the provisions of the Act for the abolition of the slave trade, than to slaves in the situation of those belonging to the spice parks at Banda; but that whatever may be the intention and scope of those regulations, his Lordship in council is at present precluded from taking the claim of the captors into consideration, as the Island of Banda was taken possession of by a squadron of His Majesty's ships, in His Majesty's name; and as it has been determined that Banda and the other islands captured from the Dutch in the Eastern Seas, shall be retained on behalf of His Majesty, under the superintendence and management of the supreme government of India, as a temporary arrangement only, until the pleasure of His Majesty shall be known.

2.—The whole of the public property, therefore, found upon the island is exclusively vested in His Majesty, who can alone dispose of it in such manner as His Majesty may think proper. I have, &c.

(signed) *W. Thackeray*, Chief Sec. to Gov.

Fort St. George, 17th April 1811.

(True copy.) (signed) *W. Thackeray*, Chief Sec. to Government.

N° 19.

Ordered, That the following letter be addressed to the Chief Secretary to the Government of Fort St. George, in reply to his dispatch, above recorded.

(Extract.)

1.—I am directed to acknowledge the receipt of your dispatch, under date the 31st ultimo, enclosing copies of various applications from Mr. Bromley, the agent for the captors of Amboyna and its dependencies, which the Honourable the Governor in council judged it proper to refer to the consideration of his Excellency the vice president in council, on the ground of the Molucca Islands having been transferred to the authority of the supreme government, together with copies of a letter from Captain Cole, of His Majesty's ship Caroline, and of the reply to that letter, written under the orders of the Right honourable the Governor General in council, as being connected with the claims stated in the letters from Mr. Bromley, and documents relating to the rate of exchange at which bills on the government of India have been drawn in favour of the captors.

2.—From the observations stated in the vice president in council's address of the 7th instant on the subject of the incompetency of this government to take cognizance of the claims of the captors, the Honourable the Governor in council will have anticipated the opinion of his Excellency in council, that the several claims stated in your dispatch now acknowledged (with one exception) should be referred to the decision of the authorities in England. The applications of the agent therefore only suggest the few remarks which I am directed to state as follows:

10.—The principle of the observations of the Right honourable the Governor in council, in reply to Captain Cole's claim to the value of the slaves on the Island of Banda at its capture, appears to his Excellency in council to be precisely applicable to the claim of the captors of the slaves of Amboyna, and generally to embrace also both the surrender of the claim stated in the margin,* and every question relative to the public property found on the Island of Amboyna and its dependencies.

* Mr. Bromley's second letter of 11th May, claiming credit for 3,279 Spanish dollars for the value of slaves, and of various articles under the denomination of Slave Stores captured at Amboyna.

PAPERS relative to the public Slaves found in the Parks on Banda, Banda Neira, and Pulo-way; on the capture of those Islands in 1811.

Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors in the Political Department, dated 6th June 1812.

78 to 80.

Par. 56.—With regard to the establishment of slaves entertained at Banda, we observed to the resident, that although from the proceedings of Parliament, on which the law for the abolition of the slave trade was founded, it may be presumed that the state of slavery in Asia was not in contemplation when the Act passed, yet, as the traffic in slaves is inconsistent with the dictates of humanity, a regulation has lately

lately been enacted by this government for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the presidency of Fort William, but that much information would be requisite from the resident before any decision could be passed on this question in its relation to the Eastern states; we therefore called the particular attention of the resident to the expediency of emancipating the public slaves, and of prohibiting gradually the importation of others into the islands under his authority, and we directed him to report on the measures and regulations which he would recommend for effecting this object, and on the means best adapted for executing the duties at present performed by the slaves.

Extract, Bengal Public Consultations, 28th March 1812.

Extract, Letter from W. B. Martin, Esq. Resident at Amboyna, to Mr. Secretary Edmonstone, dated 15th June 1811.

N° 26.

Par. 65.—I have already informed you, in the 14th paragraph of my letter under date 20th March, of the appointment of Captain Court to the charge of Banda and its dependencies, with the same allowance as he received during the period of his administration at Amboyna.

Par. 66.—Since the assumption by Captain Court of the government of Banda, the state of his health has been generally such as to render him incapable of regular and assiduous application to the duties of his office, and it has accordingly not been in his power to furnish me with as much information as is necessary to enable me to form a correct judgment of the proper measures to be pursued for regulating the internal administration of that settlement.

Par. 67.—From the information, however, which has been supplied to me by Mr. Ewer, who was appointed to receive charge of the Island of Banda and its dependencies from Captain Foote, I have been enabled to frame such arrangements as appeared to me to be best calculated to promote the prosperity of that valuable island; and I have the satisfaction to assure you, that if the estimate which I have formed of its probable resources be correct, and which is founded on the experience of its actual produce during the past years, the possession of Banda will constitute a pregnant source of future advantage to the Company's commercial interests.

Par. 68.—The cultivation of spices is limited to three of the small cluster of islands, which are usually denominated the Banda Isles. The town and fortresses of Nassau and Belgua are situated on Banda Neira, on which there are only four parks or plantations; the number of plantations on Banda Lantoir or Great Banda, is thirty, and there are seven more on the small island of Poolo-way.

Par. 69.—The immediate care and cultivation of those plantations are confided to a superintendent, who is denominated parkenier, and to whom the property of the soil has been absolutely conceded by the regulations which were prescribed by General Dandells for the constitution of the government of Banda; agreeably to the system introduced by those regulations, the parkeniers are considered to be the proprietors of their respective parks, but they are required to deliver the entire produce of those parks to the Company, at specified rates of payment, and to maintain the number of slaves which is necessary to their due cultivation. The periods of time at which the deliveries both of mace and nutmegs shall take place, are particularly stated and defined; those of mace are monthly; and the months of March and October are the periods prescribed for the delivery into stores of the nutmegs, after they have undergone the processes of smoking and chunaming.

Par. 70.—The parkeniers are subject to the general superintendence and control of an officer denominated superintendent of spices, whose duty requires him occasionally to visit the plantations, to issue such orders and instructions to the parkeniers for regulating their interior economy as may appear to him to be necessary to secure punctuality and fidelity in the collection and delivery of the spices, and generally to see that their conduct is conformable to the obligations imposed on them by the conditions of the tenure under which they hold their plantations. The duty of receiving, weighing and storing the spices, at the period of their delivery by the parkeniers, is also confided to this officer, through whom the prescribed payments are made, agreeably to the returns exhibited by him, of the quantity and description of spices received from the proprietor of each park.

Par. 71.—The above enumeration of the duties which the superintendent of spices at Banda is required to perform is sufficient to demonstrate the necessity of a strict and scrupulous attention to the character and qualifications of the persons

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who may be selected to discharge them; and my experience of the eminent qualifications which are possessed by Mr. Assistant Surgeon Hopkins has induced me to appoint him to that important situation, with a salary of Spanish dollars 500 per mensem.

Par. 78.—On Mr. Ewer's arrival at Banda, a considerable expense was incurred by government in maintaining an establishment of slaves. The abuses resulting from that estabishment were such as suggested to Mr. Ewer the expediency of distributing the slaves among the parkeniers, as well for the purpose of enabling them to improve the cultivation of their several parks, as with a view to the reduction of expense which would ensue from that arrangement. The abuses to which I have above adverted, arose from the employment of the slaves in services, for the execution of which provision had been made by the public establishments allotted to the several offices which appeared to require them, and the allowances granted for the maintenance of their establishment, instead of being applied to that object, were appropriated by the persons exercising the several offices to which they were annexed. The number of 199 slaves has been accordingly distributed among the parkeniers in the two islands of Banda Neira and Great Banda, and of the remaining 154, I propose to allot 70 to those in Poolo-way.

Par. 79.—The total number of slaves employed in the cultivation of the parks in the islands of Great Banda and Banda Neira is 1,266, which, estimating the number of trees on those island to be 294,800, gives one slave to 233 trees, whereas the proportion ought properly to be one to 150 trees.

Par. 80.—In consequence of this arrangement, a part of the expense attending the clothing and subsistence of the slaves, together with the salary of a superintendent, has been saved, and the important objects of providing for the better cultivation of the plantations, and for the due collection of their produce, have been accomplished without any material inconvenience to other branches of the public service. The Company, however, have not been wholly exonerated from the expense attending the subsistence of the slaves, as the Parkeniers were permitted, by the regulations of the Dutch government, to purchase their rice from the public stores, at the price of fifty dollars per boyang of 3,000 lbs. which is considerably below the actual cost of that article to the Company.

N° 34. (Copy.) A PROCLAMATION.

BY the Resident for all affairs of the Honourable English East India Company at the Molucca Islands, in the name of His Majesty the King of the United Kingdom of Great Britain and Ireland:

On assuming, in the name of His Majesty the King of the United Kingdom of Great Britain and Ireland, the government of these possessions, which, by the enterprizing and successful valour of the British arms, have been happily delivered from the galling yoke of Dutch tyranny, I am anxious to declare to the inhabitants the principles by which, in discharging the duties of the trust reposed in me, my conduct will be invariably governed.

Experience has qualified the inhabitants of these islands correctly to appreciate the character and relative merits of the two administrations. It has enabled them to discover and compare the opposite tendency and effects of their respective principles and views of government; and to contrast the stern, obdurate, selfish, unrelenting, and oppressive maxims of Dutch policy, with the mild, beneficent, liberal, comprehensive and enlightened spirit, which actuates the conduct of a British government. Their sense of the superior and transcendant blessings and advantages of submission to the British arms, has been signally decisively attested by their cordial, prompt, and zealous co-operation with the troops which were destined to absolve them from subjection to the Dutch, and to secure to them the powerful protection of the English government.

To confirm and to perpetuate this just attachment to the British interest, by securing to the inhabitants of these valuable islands the benefits resulting from a system of public administration conformable to these honourable and enlightened principles of English government, by which it was at first excited, and has been hitherto uninterruptedly maintained, will constitute the invariable object of my policy, and the ruling principle of all my measures.

Conformably to those principles, your religion, your institutions, your immemorial and established customs, will be venerated and preserved inviolate; your industry will be encouraged and rewarded by an augmentation of the wages of labour, proportioned

proportioned to the exigencies of your impoverished condition, and to the quality, extent, and value of its produce. Instead of being, as hitherto, restricted in the application of it to objects exclusively beneficial to the interests of your former rulers, you will be invited to bestow it in the cultivation of grain and other articles of necessary provision and subsistence for yourselves and your families, precluded by the dictates of a misguided and jealous policy from availing yourselves of the natural advantages and capacities of a fertile and luxuriant soil, you have been rendered dependent on the resources of distant islands for the precarious supply of your immediate and urgent wants. In concert with the chiefs and elders of the several districts, my attention will be earnestly and assiduously directed to the means of remedying this evil, and to the accomplishment of such arrangements as shall be calculated to relieve you, as far as may be practicable and consistent with a due regard to the system of your ancient manners and established habits, from all impolitic and unjust restraints in the application and exertion of your industry, and from all undue and oppressive impositions and exactions in the disposal of its produce.

Instead of being paid, as hitherto, in a depreciated paper currency, in future the planters will receive payment in specie alone, their claims shall be scrupulously attended to, and punctually and faithfully discharged.

To support the chiefs of the several districts and islands subject to this government, in the just exercise of their ancient and legitimate authority, to respect and to uphold the established privileges and distinctions of their respective ranks; to relieve the wants, extend the commerce, and invigorate the industry of their subjects, and to secure to them the full enjoyment of every civil benefit which the pure and prompt administration of equal justice can confer; these are the objects which the impulse of my private feelings, no less than the obligations of my public duty, will engage me to pursue, with an earnestness proportioned to my zeal for the happiness of those whom I am sent to govern, and for the interests and honour of the employers whom I serve.

Actuated by these sentiments, I have resolved immediately to convene a general assembly of all the chiefs of the several districts subject to my authority, in order to have an opportunity of personally explaining to them my anxiety to learn, appreciate, and relieve their wants; and for the purpose of adopting, in concert with them, such regulations for the future security and improvement of our common interests, as shall satisfy them of the equity and liberality of my views, and of the strict attention which will be invariably manifested to every consideration affecting their own interests and those of their dependents.

The same protection and liberal encouragement which have been uniformly afforded to the Chinese settlers throughout every part of the British empire in India, will be invariably extended to those of that nation who have established themselves under the government of these islands.

Emancipated from a degrading subjection to the caprice of military despotism, and transferred to the dominion of a free, just, powerful, and enlightened government, the European subjects of Holland, and their descendants, will be reinstated in the secure enjoyment of all those valuable commercial privileges and advantages, of which they have been long and hopelessly deprived by the selfish domineering and oppressive policy of France, in the impartial administration of equal and expedient laws; in the revival and extension of commerce, and in the security of their lives, persons, property and religion, they experience the benign effects of the protection of the British power; of that power which has never been exerted but in defending and supporting the dearest rights and interests of mankind, insulted, violated, and ultimately subverted by the lawless, unprincipled, and overwhelming usurpations and aggressions of French ambition.

(signed) *W. B. Martin*, Resident.

(A true copy.) (signed) *Francis Crossley*, Secretary.

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STATEMENT of the SLAVES and CONVICTS which are present this date in the several Parks at *Neira* and *Great Banda*.

NAMES OF THE PARKS.	SLAVES.		CHILDREN.		CONVICTS.		TOTAL.
	Men.	Women.	Boys.	Girls.	Men.	Women.	
Lantakka	15	15	-	2	-	-	32
Baneo Bato	17	21	6	4	3	-	51
Herstelder	17	18	7	2	3	1	48
Seven Cergen	6	10	7	-	7	-	30
Welte Vreden	33	25	8	9	-	-	75
Namooh	38	31	4	3	4	-	80
Limons Wall	27	26	-	-	9	-	62
Takkarmano	26	21	6	6	3	-	62
Kely and Norwegnen	6	16	2	-	1	-	25
Lacquoy	7	4	-	-	1	-	12
Werong	3	1	-	-	3	-	7
Deep in dal	4	1	-	-	1	-	6
Joongi a tap	4	1	-	-	-	-	5
Orang datan	26	16	3	2	1	-	48
Footna	19	15	-	2	-	-	36
Lust	10	10	-	-	6	-	26
Evens	23	15	5	-	5	1	49
Tambooks	4	3	-	-	-	-	7
Langtang	19	10	4	2	25	-	60
Bootang	21	14	3	4	5	-	47
Drie gebweders	26	25	7	5	6	-	69
Babe mande	11	6	1	1	7	-	26
Boven Dender	16	12	7	5	-	-	40
Beneden Dender	7	13	3	2	12	-	37
Sosten inval	23	24	5	7	-	-	59
Boerang	14	13	1	1	3	-	32
Rezie	2	4	-	-	-	-	6
Running	23	17	3	5	3	-	51
Comber	22	16	1	2	10	-	51
Reysertorn	43	23	2	5	-	-	73
Spantje by	16	16	2	-	1	-	35
Grool Walling	21	11	-	-	-	-	32
Kleign Walling	18	14	1	-	3	-	36
Boyaun	25	23	4	5	3	6	66
Hollandia	1	-	-	-	2	-	3
TOTAL	593	490	92	74	127	8	1,384

Banda, 15th April 1811.

(signed) *M. H. Court*, Captn Commr.

(A true copy,) (signed) *Fran' Crossley*, Secretary.

STATEMENT of the SLAVES and CONVICTS which are present in the several Parks at *Poolo-way*, on the 1st of March 1811.

NAMES OF THE PARKS.	SLAVES.		CHILDREN.		Convicts.	TOTAL
	Men.	Women.	Boys.	Girls.		
Poolo-way's Welvaren in hel Centrum	29	20	15	8	3	75
Wel he Vreden	14	13	3	5	1	36
Dankbaarheed	19	10	2	3	3	37
Mallalenhs	15	12	5	3	4	39
De Vexwaglin	19	10	1	-	5	35
Klein San'd	17	12	1	2	6	38
West Klip	14	13	2	5	4	38
TOTAL	127	90	29	26	26	298

Banda, 18th April 1811.

(signed) *M. H. Court*, Capn Commr.

Extract, Letter from Mr. Secretary Ricketts, to W. B. Martin, Esq. Resident at Amboyna, dated 29th February 1812.

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N°. 45.

Par. 42.—Although from the proceedings of Parliament, on which the law of the abolition of the slave trade was founded, it may be presumed that the state of slavery in Asia was not in contemplation when the Act passed, yet as the traffic in slaves is inconsistent with the dictates of humanity, a regulation has lately been enacted by this government, for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the presidency of Fort William. Much information, however, will be requisite from you before any decision can be made on this question, in its relation to the Eastern seas; but your attention is particularly called to the desirable object of emancipating the public slaves, and prohibiting gradually the importation of others in the islands under your authority, your report will be expected on the measures and regulations which you would recommend for effecting this object, and on the means best adapted for executing the duties at present performed by the slaves.

Extract of a Letter from W. B. Martin, Esq. Resident at Amboyna, to the Secretary to Government at Fort William, relative to the redemption, at the public expense, of sixteen men, who had been carried from Amboyna by pirates, and sold as slaves on the Island of Goram: 1811.

Extract, Bengal Public Consultations, 28th March 1812.

Extract, Letter from W. B. Martin, Esq. Resident at Amboyna, to Mr. Secretary Edmondstone, dated 22d July 1811.

N° 9.

1.—I have the honour to transmit to you the Treasury accounts, and accounts particulars of disbursements for the months of February, March, April, May and June, together with the pay abstracts and vouchers for the contingent charges in the military department for those months respectively, agreeably to the separate lists which accompany this letter.

2.—The head of changes extraordinary, in the account particulars of disbursements for the months of March, April, May and June, comprizes several items of expenditure, which appear to me to require more particular explanation than it was practicable to afford in those documents.

10.—Under the head of charges extraordinary, in the account particulars of the month of May, you will observe the sum of Spanish dollars 706½ to have been disbursed on account of the ransom of 16 men, belonging to the village of Olring on this island, who were carried away by the pirates shortly after the surrender of Amboyna to the British arms.

11.—A native merchant of this place, having in the course of a voyage to the adjacent island, accidentally received intelligence that some of the captains had been sold by the pirates at the Island of Goram, conceived the design of rescuing them from captivity, under conviction that the government of Amboyna would reimburse the expense which it might be necessary for him to incur, in redeeming them from slavery; he accordingly proceeded to Goram, and bartered the goods which he had carried with him from Amboyna, in exchange for 16 men who had been sold at Goram, and who accompanied him on his return to this island.

12.—On receiving information of the measures which had been adopted by the anakoda for their recovery, it occurred to me to be probable that he was only the agent of some of the pirates, who had been concerned in their seizure, and who had resorted to this expedient of disposing of them to the best advantage; and I accordingly directed particular inquiries to be instituted into all the circumstances connected with their alleged ransom at the Island of Goram. The result of those inquiries having satisfied my mind of the truth of the anakoda's representation with regard to the considerations by which he had been actuated in effecting their deliverance, and adverting to the credit which would redound to the humanity of the British government from the payment of the sum for which they had been ransomed, I judged it to be my duty to order the amount above stated to be paid, and the men have been accordingly restored to their habitations in the village of Olring.

Bengal Papers: State of Slavery in Company's Territories.

PAPERS relative to a Claim on the Agent for the Captors of the Mauritius, for the refunding of a Sum of Money which had been paid to him on account of Slaves captured in Harbour there: 1812.

Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors in the Public Department, dated 6th June 1812.

Cons. 13th March. N° 8.

Par. 207.—His Excellency the Governor of the Isle of France having stated to us, that in consequence of the Act of Parliament respecting the traffic in slaves he had called on the agent for the captors of the Mauritius to refund the amount which was paid to him on the above account in bills on this government, and requesting therefore that credit might be given to him for 80,480 sicca rupees, for which he enclosed a bill of exchange on Messrs. Alexander and Co., we accordingly directed our sub-treasurer to call on those gentlemen to pay the above-mentioned sum into the general treasury, and to account for the interest that may be due after deducting the costs of the first remittance, since the money has been in their hands.

Cons. 15 May. N° 50 to 54.

Par. 208.—Messrs. Alexander & Co. having stated in reply that the balance of their account with Mr. Farquhar amounted to sicca rupees, 515. 15. after paying the amount of the bill of exchange, we have authorized the sub-treasurer to receive it on account of interest due on the above sum, pending a reference which has been made on the subject to the government of the Isle of France.

Extract, Bengal Public Consultations, 13th March 1812.

Read the following Letter from the Governor of Mauritius to the Right honourable Gilbert Lord Minto, &c. &c. &c.

Port Louis, Isle of Mauritius, 1st January 1812.

N° 8.

My Lord:—Previously to this government being put in possession of the Slave Acts passed by the Parliament of the United Kingdom, a number of slaves were taken by His Majesty's navy off the harbour of Port Louis, in vessels carrying on an illegal traffic in slaves, and were brought into this port. Led to believe, from the best information I could collect on the spot, that this government was bound to pay the captors the usual sum per head, the money was paid accordingly in bills on the Supreme Government, dated 1st March 1811, and the slaves were enlisted in His Majesty's Bourbon rifle regiment. Having since ascertained that the remuneration should be made in England, I have called upon the agent for the captors here, Mr. Stokes, to refund the amount, and I have the honour of enclosing to your Lordship the first of a set of bills drawn in your Lordship's favour for 80,480 sicca rupees, for which I request that due credit may be given to this government, and that the error may be rectified in the accounts of this island for the month of March, which have been transmitted to Calcutta.

After deducting the costs of the first remittance, Messrs. Alexander & Co. will account to your treasury for the *interest* that may have accrued thereon since the proceeds have been in their hands.

I have, &c.
(signed) *R. T. Farquhar.*

Ordered, That a copy of the foregoing letter, with the first of the set of bills drawn on the agents for the captors of Mauritius in favour of this government for the sum of 80,480 sicca rupees, be transmitted to the sub-treasurer, and that he be directed to call on Messrs. Alexander & Co. to refund the amount, and to account for the interest which may be due, after deducting the costs of the first remittance, since the money may have been in their hands.

Ordered also, That a copy of the above letter be transmitted to the accountant general, with the necessary information respecting the transmission of the first of the set of bills referred to in it, to the sub-treasurer, for recovery, and that he be directed to give credit for the above-mentioned sum to the government of the Mauritius, and to rectify the error in the accounts of that island agreeably to the request of his Excellency the governor of Mauritius.

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Extract, Bengal Public Consultations, 15th May 1812.

Read the following Letter: Sub-Treasurer, C. M. Ricketts, Esq. to the Secretary to the Government in the Public Department.

N° 50.

Sir:—I have the honour to transmit to you the accompanying copies of a letter which I addessed on the 20th ultimo to Messrs. Alexander & Co. on the subject of the bill for sicca rupees 80,480 enclosed in your letter of the 13th March last, and of the answer received from those gentlemen, with the original enclosures which accompanied it; and I request to be informed whether the sum of sicca rupees 515. 15. tendered by Messrs. Alexander & Co. is to be received by me in full of the government's claim for interest upon the amount which has been repaid into the general treasury under the orders contained in your letter abovementioned.

I have, &c.

General Treasury, 14th May 1812. (signed) *H. Stone*, Sub-Treasurer.

Messrs. Alexander and Co.

N° 51.

Gentlemen:—I have the honour to transmit to you the accompanying copies of a letter to my address from the secretary to the government in the public department, dated the 13th ultimo, and of the letter from his Excellency Governor Farquhar, therein referred to.

The interest due on the sum of sicca rupees 80,480, from the 10th June 1811, the date on which the bill granted by the government of Mauritius fell due, to the 18th instant, at the rate of six per cent per annum, is sicca rupees 4,131. 4. 10. This sum, however, appears to be liable to a deduction of the amount of the costs alluded to in the 2d paragraph of Mr. Farquhar's letter, and I request to be furnished by you with a statement of those costs, in order that the account may be adjusted.

I have, &c.

General Treasury, 20th April 1812. (signed) *H. Stone*, Sub-Treasurer.

Calcutta, 8th May 1812.

H. Stone, Esq. Sub-Treasurer, &c.

Sir:—Agrecable to the request made in your letter of the 20th ultimo, we have the honour to enclose you a copy of our account with Mr. Stokes of the government remittance received from him in June 1811, accompanied by extracts from his letter on the subject of it at the time it was made and subsequently, and beg to inform you that the balance on hand, sicca rupees 515. 15. will be paid by the bearer.

We are, &c.

(signed) *Alexander* & Co.

(True copies.) (signed) *H. Stone*, Sub-Treasurer.

Charles Stokes, Esq.

	Dr			
1811: June 10th	TO cash paid for the purchase of 1 second 6 per cent Loan, acknowledging N° 286, dated 31st January 1811			80,000 – –
	Interest from the date to this day is 4/10 days, at 8 per cent			2,311 1 9
	Premium at ½ per cent			900 – –
	Broc at 1 ½ per cent			411 8 10
1812: April 18th	To Cash paid your draft on us in favour of R. T. Farquhar			80,480 – –
	Commission on the receipt of Sa Rs 85,642. 10. 8. at 1 per cent			856 6 10
	Balance			515 15 –
	Sicca Rupees			165,475 – 5

	Cr			
1811: June 10th	BY Cash received from the Treasury, the amount of R. T. Farquhar's Draft upon the Presidency in your favour			80,480 – –
July 15th	Cash received from the Treasury for Brokers Interest due on one acknowledgement, N° 286, Principal, Sa Rs 80,000 for 5/ at 8 per cent			2,666 10 8
1812: January 9th	Cash received from the Treasury for half year's Interest on			
	2 Notes, Nos 6223 & 6224	p' Sa Rs 10,000	20,000 at 6 p' ct	600
	2 Do 6225 6226	10,000	20,000	600
	2 Do 6227 6228	10,000	20,000	600
	2 Do 6229 6230	10,000	20,000	600
			80,000	2,400
	Premium at 4 per cent			96
				2,496 – –
April 18th	By Cash received for the sale of			
	1 Note, N° 6223, dated 30th June, 11/ per		10,000	
	1 Do 6224		10,000	
	1 Do 6225		10,000	
	1 Do 6226		10,000	
	1 Do 6227		10,000	
	1 Do 6228		10,000	
	1 Do 6229		10,000	
	1 Do 6230		10,000	
			80,000 – –	
	Interest from 31st Dec. to this day is 3/18 at 6 per cent		1,440 – –	
			81,440 – –	
	Discount at 2 per cent		1,622 12 7	
	Balance of Interest Account, calculated at 6 per cent			79,817 3 5
				15 2 4
	Sicca Rupees			165,475 – 5

Calcutta, 18th April 1812. (signed) *Alexander & Co.*

Dr. Interest Account up to the 18th April 1812. Cr.

		M.	Dys.				M.	Dys.	
1811: June 10th	83,622 10 7	for 10	8	4,278 11 8	1811: June 10th	80,480 – –	for 10	8	4,131 5 1
Balance				15 2 4	July 5th	2,666 10 8	9	3	121 5 4
					1812: January 9th	2,496 – –	3	9	41 3 –
	Sa Rs			4,293 13 5		Sa Rs			4,293 13 5

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Extracts of Letters from C. Stokes, Esq. to the Address of Messsrs. Alexander & Company, under dates, 4th of March 1811, and 1st of January 1812.

4th March.

I have to request your decided attention to my instructions respecting the accompanying, first of a set of exchange for eighty thousand four hundred and eighty sicca rupees, drawn by the Honourable the Governor Mr. Farquhar, on the Right honourable Lord Minto, Governor General in council, Bengal, at thirty days sight, and made payable to me or my order.

This first bill I have made payable to you, and you will please receive it, and invest it in the most productive government securities, at the same time having regard to its being placed in such a public fund or loan, that it can be realized at no very long notice; as it properly belongs to my constituents, you will, gentlemen, most positively and pointedly attend to its being placed in my name only, and in the most secure public fund.

It occurs to me, that it is not improbable that after this bill is accepted, it may be received into the government bank as cash at the regular interest, which you will please to draw regularly, and pass to my credit in an individual account, and I shall give you further instructions on this distinct head; of this mode of security you will judge best, but it must be in my name; and you will observe, that I am not authorized, nor can I authorize you to place the principal in any but a public fund.

January 1st, 1812.

I have this day drawn on you for the sum of eighty thousand four hundred and eighty sicca rupees, in favour of his Excellency the Governor of these colonies, or his order, and at thirty days sight, which bill you will please duly honour.

These bills are drawn on you, to enable his Excellency to receive back the amount, it being the sum you have received for the bills drawn by him on the Governor General of India, and which is now to be repaid by you.

As those bills were given to me, under what is now discovered to be a mutual error on the part of government and on mine also, it is just, that whatever interest has been received on them, should be refunded also to the supreme government of India, after deducting from it whatever expenses have been incurred by your agency, or any other charge depending thereon, taking that full acquittal that shall hold me perfectly clear hereafter, for as I derive no advantages, you will see the justice that I am not to be liable for any charges on it.

I have inclosed you a power of attorney, authorizing you to sell for me the amount of the money you have received, and which you were directed to place in government securities, in order to enable you to discharge the bills now drawn on you.

(True copies.)

Ordered, That the sub-treasurer be informed, that the Right honourable the Governor General in council, authorizes him to receive on account of the interest due on the principal of the bill alluded to, the sum of sicca rupees, 515. 15. tendered by Messrs. Alexander & Co. pending a reference that will be made on the subject to the government of Mauritius.

Ordered, That the following letter be written to the chief secretary to the government of Mauritius.

To Major A. Barry, Chief Secretary to the Government of Mauritius. N° 54.

Sir:—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of his Excellency Governor Farquhar's letter of the 1st of January last, forwarding the first of a set of bills drawn on the agents of the captors of Mauritius in favour of this government, for sicca rupees 80,480.

2.—The bill was transmitted to the sub-treasurer at this presidency, with instructions to call on Messrs. Alexander & Co. to refund the amount, and to account for the interest which might be due, after deducting any costs on the first remittance. The accountant general was also directed to give credit for the above-mentioned sum to the government of Mauritius, and to rectify the error in the accounts of that island, agreeably to the request of his Excellency the Governor.

3.—I am now directed to transmit to you, for the information of his Excellency the Governor of Mauritius, the accompanying copy of a letter, dated the 14th inst.

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from the sub-treasurer, together with copies of the correspondence referred to in it, and to acquaint you, that his Lordship in council has been pleased to authorize him to receive on account of the interest due on the principal of the foregoing bill, the sum of sicca rupees, 515. 15. tendered by Messrs. Alexander & Co. until the receipt of a communication on the subject from his Excellency.

Fort William, 15th May 1812. I have, &c.

(signed) *C. M. Ricketts,*
Secretary to the Government.

Extract of a Letter from the Court of Directors to the Governor General in council of Bengal in the Public Department; dated 22d July 1814.

(207, 208.)—Amount paid by Governor Farquhar to the captors of the Mauritius on account of slaves refunded.

Par. 147.—Will be replied to hereafter.

PAPERS relative to a Communication from N. J. Halhed, Esq. Acting Magistrate of Zillah Agrah, to the Nizamut Adawlut, respecting the application of Regulation X. 1811, to certain Cases of traffic in Slaves: 1812.

Extract, Bengal Judicial Consultations, 16th May 1812.

Criminal, No 16. Read the following letter:

Register of the Nizamut Adawlut to George Dowdeswell, Esq. Secretary to Government, in the Judicial Department.

Nizamut Adawlut.

Sir:—I am directed by the Court of Nizamut Adawlut to transmit to you the accompanying copy of a letter from the acting magistrate of the Zillah Agrah, dated the 3d instant, together with copy of the letter written in reply by order of the court on this date, and to request that you will submit the same for the information of the Right honourable the Governor General in council, in case any additional provision should appear requisite, under the construction given by the Nizamut Adawlut to Regulation X. 1811.

Fort William, 23d April 1812 I am, &c.
(signed) *M. H. Turnbull,* Register.

(Copy.)

To M. H. Turnbull, Esq. Register to the Court of Nizamut Adawlut, Fort William.

Sir:—I beg you will lay before the court of Nizamut Adawlut the following cases, and request that I may be favoured with instructions regarding the application to them of Regulation X. 1811.

1st.—Beroo, daughter of Juggoo, and Khurgoo, Cast Chamar, inhabitant of Kharee, a village on the opposite bank of the Chumbul, was brought from Munjeet Goojur by Nawab Hyder Ulee Khan, and brought to his residence in the Dholpoor territory; she was given by the Nawab to his nephew Waris Ulee Khan, who gave her to Bega Towaif, who is his servant. She imported by land the said Beroo, whom she intended to breed up as a Nautch girl. Is Regulation X. 1811 applicable to this case?

2.—It not unfrequently happens that Nautch women arriving from foreign provinces, bring with them in their sets or tacefas, girls who have been bought by them, and are *bonâ fide* slaves.

3.—On their arrival in the Company's territories, are they liable to the penalties of the regulation or not?

4.—The regulation does not forbid the sale of slaves inhabitants of our own provinces; are the children of inhabitants of our own territories not to receive benefit from a law which secures the persons of inhabitants of a foreign state.

Zillah Agrah, 3d April 1812. I am, &c.

(signed) *N. J. Halhed,* Acting Magistrate.

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To N. J. Halhed, Acting Magistrate of Zillah Agrah.

Sir:—I am directed by the court of Nizamut Adawlut to acknowledge the receipt of a letter from you, dated the 3d instant, requesting the court's instructions relative to the operation of the provisions of Regulation X. 1811.

This letter was made a circular order by the Nizamut Adawlut in October 1814.

2.—The court, adverting to the title and preamble of the regulation in question, and to the bond required by section 5. understand the provisions in it to be applicable only to the importation of slaves for the purpose of being sold, given away, or otherwise disposed of. The cases stated in the 1st and 2d paragraphs of your letter do not therefore appear to be within the provisions of the regulation, nor (the court observe) is any part of the regulation applicable to the sale of slaves not imported into the British territories.

I am, &c.

Fort William, 23d April 1812. (signed) *M. H. Turnbull*, Register.

Ordered, That the Nizamut Adawlut be informed that the Governor General in council concurs in the construction given by the court to the provisions contained in Regulation X. 1811.

PAPERS relative to the state of Slavery, and traffic in Slaves in the Territories under the Presidencies of Bengal, Fort St. George and Bombay; and upon the Island of Java, and Settlements subordinate thereto: Also, relative to the promulgation of the Act of Parliament 51st Geo. III. c. 23, throughout the several Territories and Settlements, in India subordinate to the Government General at Fort William in Bengal: 1811–1813.

Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 30th Jan. 1813.

Crim. Cons. 26th Sept. & 19th Dec. 1812.

Par. 146.—On the proceedings of the dates specified in the margin is recorded, our correspondence with the governments of Fort St. George and Bombay, with the advocate general, with the resident at Delhi, and with the provincial court, for the division of Bareilly, respecting the trade in slaves.

Par. 147.—That correspondence originated in a reference from the Governor in council of Fort St. George, requesting our instructions regarding the course which should be pursued by them in preventing that odious traffic under the provisions of the Act of Parliament passed in the 51st year of his Majesty's reign, commonly called the Slave Felony Act, and intituled, "An Act for rendering more effectual "an Act made in the 47th year of his Majesty's reign, intituled, 'An Act for the "'abolition of the Slave Trade.'"

Par. 148.—With the view of preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on this presidency, we had some time past, viz. on the 6th August 1811, passed a regulation, (Regulation X. of that year), establishing penalties for the commission of that offence in any place subject to the jurisdiction of the country courts; and providing as far as could be legally done by us, against the importation of slaves at the Port of Calcutta, subject to the jurisdiction of the supreme court of judicature.

Par. 149.—In our reply to the above mentioned reference from the government of Fort St. George, we observed that we did not consider the provisions of the above mentioned statute applicable to the importation or removal of slaves by land; but that inquiries would be made, with the view of ascertaining, whether the provisions of the regulation above noticed, had been effectual in preventing that species of traffic.

Par. 150.—We at the same time stated the measures which we had adopted, with a view of giving publicity to the statute in question; and a correspondent communication was also made to the local governments of Bombay, of Java, of Prince of Wales Island, of Mauritius, of Ceylon, and to the residents of Fort Marlborough, and the Moluccas.

Par. 151.—On the proceedings of the 19th December last are recorded, a letter and its inclosures from the provincial court, for the division of Bareilly, which afford every reason to believe, that the rules contained in Regulation X. 1811, already adverted to, have proved fully effectual in preventing the importation of slaves by land from foreign countries into the districts included within the limits of the juris-

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diction of that court. The same conclusion is to be drawn from the report of the resident at Delhi, recorded on the proceedings of the same date.

Par. 152.—Under the circumstances above stated, it only remained for us to recommend to the governments of Fort St. George and Bombay, that a regulation be passed at those presidencies respectively, corresponding in substance with the provisions of Regulation X. 1811, of the Bengal code. It was naturally to be inferred, that similar rules would produce the same effect as had been experienced in Bengal, of preventing the importation of slaves by land into the places dependent on those presidencies; and the provisions of the statute to which the above remarks refer, would effectually restrain (as noticed in our instructions to the governments of Fort St. George and Bombay,) the importation of slaves into the British territories generally by sea.

Par. 153.—The foregoing recital will inform your honourable court, of the provisions actually in force, or proposed to be established under our construction of the statute above referred to, for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories dependent on the presidencies of Fort William, Fort St. George and Bombay. Those provisions will, we doubt not, be fully effectual in preventing that detestable traffic, or may at all events be easily rendered so, by increasing the penalties established by Regulation X. 1811, for the commission of that offence.

Par. 154.—At the same time we think it necessary to offer some general reflections to your honourable court, respecting the provisions of the above mentioned Act of Parliament, in its application to this country.

Par. 155.—As already noticed, we have not considered them applicable to the removal or importation of slaves by land; but even in this limited sense, not only merchants of whatever nation conveying slaves for sale into any settlement or port in the occupation of the Crown, or of the East India Company, but likewise individuals resorting to any such place who may be attended by slaves (which is a common practice to the eastward), are liable to the severe penalties established by the above mentioned statute. This application of the Act appears to us to go so much beyond the views of the legislature in abolishing the slave trade, as expressed in the former Acts passed in the 46th and 47th years of his Majesty's reign, that we cannot but apprehend that the terms of it embrace objects to which it was never intended that it should apply. At all events, we have deemed it essential to draw the attention of your honourable court to this important subject, in order that it may be duly considered, whether the statute in question does not require amendment in its application to this country. For the present, we have done all that depended on the government of this country, in giving the greatest possible publicity to the provisions of the statute; it being of course impracticable for the authorities in this country, as observed in our instructions of the 19th December last, to the government of Fort St. George and Bombay, to adopt any means of dispensing with the observances or enforcement of those provisions.

Par. 156.—There is still another branch of the subject demanding the attention of your honourable court, which is, the state of slavery on the Island of Java and its dependencies; but the question more properly belongs to the colonial department, whence we already had the honour to submit to you some observations on the subject.

Extract Bengal Judicial Consultations, 26th Sept. 1812.

Criminal, N° 11.

Chief Secretary to Government, at Fort St. George, Judicial Department, to George Dowdeswell, Esq. Secretary to Government, Fort William.

Sir:—A traffic in slaves from Travancore having been discovered to have been carried on to a considerable extent, and the advocate general at this presidency, on the occasion of stating his opinion on a reference made to him on the subject, having observed, that he thinks it a proper measure for the government to publish throughout the provinces under its authority, the substance of the statute 51 Geo. 3. c. 23, passed on the 14th May 1811, for rendering more effectual an Act made in the forty-seventh year of His Majesty's reign, intituled, "An Act for the Abolition "of the Slave Trade," which, in the opinion of the advocate general, applies in all its consequences and penalties to all persons residing within the King's or Company's territories, including therefore the native subjects of this government, I am directed by

by the Honourable the Governor in council, to state his request to be favoured with the directions of the Right honourable the Governor General in council, as to the propriety of giving full effect to the statute, and the manner in which it shall be made public.

I have the honour to be,

(signed) *W. Thackeray*, Chief Secretary to Government.

Fort St. George, 11th August 1812.

The secretary was directed on the 5th instant, to write the following letter to the advocate general.

To the Advocate General.

N° 12.

Sir:—I am directed by the Right honourable the Governor General in council, to transmit to you the accompanying copy of a letter from the chief secretary to government at Fort St. George, for any remarks or suggestions which you may deem necessary, in regard to the Act recently passed, intituled, "An Act for render- "ing more effectual, an Act made in the forty-seventh year of His Majesty's reign, "intituled, 'An Act for the Abolition of the Slave Trade.'"

I have, &c.

(signed) *G. Dowdeswell*, Sec^{y} to Gov^{t} Jud^{l} Dep^{t}.

Council Chamber, 5th September 1812.

Advocate General to G. Dowdeswell, Esq. Secretary to Government Judicial Department.

N° 13.

Sir:—In obedience to the commands of the Right honourable the Governor General in council, conveyed to me in your letter of the 5th instant, I have the honour to suggest, that it will be proper to publish the Act of the 51st Geo. 3. c. 23. at the different presidencies in the Government Gazettes, in the same manner as has been already done at Bombay, and that it should also be published in the different districts throughout India, under the government of the United Company, in the character and language adapted to each district, with the exception of the 5th section, which may be omitted, and that part of it which concerns the East Indies, be inserted in the introduction to the publication, stating it to take place in the East Indies, from the 1st January 1812, or the Indian era, corresponding to it, in each district.

The law is so penal, that I cannot venture to advise an abstract of it only to be published, and so extensive as to the places comprized in its terms, that I think it unnecessary to give any opinion upon it.

The Act being so full in all its provisions as to the nature of the crimes, it cannot require any regulation, but it will be necessary, I apprehend, to instruct the different country courts to enforce it against such persons as are subject to their jurisdiction.

I have, &c.

14th Sept. 1812. (signed) *Edward Strettell*, Advocate General.

Ordered, That the superintendent of the press be directed to print 200 copies of the above Act of Parliament, sending the proof to the secretary's office for correction, previously to striking off the copies.

Ordered, That the secretary write the following letter to the chief secretary to government at Fort St. George, and to the secretary to government at Bombay.

To the Chief Secretary at Fort St. George.

N° 14.

Sir:—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of your letter of the 11th ult.

Par. 2.—The exact nature of the traffic in slaves, mentioned by you to be carried on from Travancore, not being stated in your letter, the Governor General in council is of course precluded from forming a judgment, whether that traffic falls within the purview of the Act of the 51st Geo. 3, c. 23. intituled, "An Act for ren- "dering more effectual an Act made in the forty-seventh year of His Majesty's reign, "intituled, 'An Act for the Abolition of the Slave Trade.'" With respect, therefore, to that particular point, his Lordship in council can only observe, that he does not consider the provisions of the Act in question applicable to the importation or removal of slaves by land. It having been deemed proper, however, to consider maturely the course of measures which should be pursued by the local governments of this country, with respect to the abovementioned statute, the following is the purport

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purport of the resolutions adopted by the Governor General in council on that subject.

3.—The provisions of the Act being highly penal in their operation, and its object highly important, the Governor General in council has considered it proper to order a copy of it to be published in the Calcutta Gazette, for general information.

4.—In like manner, his Lordship in council has directed copies of the Act to be forwarded to the local governments of Bombay, Java, of Prince of Wales Island, of Mauritius, of Ceylon, and the Residents at the Moluccas, and at Fort Marlborough.

5.—On the same principle, copies of the statute will be forwarded to the magistrates of Chittagong and Cuttack, (the only sea-ports, excepting Calcutta in Bengal) in order, that in their capacity of justices of the peace, under the law of England, they may aid in enforcing the provisions of the statute.

Reg. X. 1811.

6.—The Governor in council at Fort St. George, is aware that a regulation was some time ago passed at this presidency, for preventing the importation of slaves from foreign countries. Inquiries will be made, with the view of ascertaining whether the provisions of that regulation have been effectual in preventing that species of traffic; if not, a further regulation will be passed without loss of time, establishing severer penalties for the infringement of the prohibition now existing under the regulation above noticed, of the importation of slaves from foreign countries, in conformity to the spirit of the statute, to which the foregoing remarks allude. In like manner, the Governor General in council begs leave to recommend, that a regulation be passed at Fort St. George, for preventing the importation of slaves by land, into the territories subject to that presidency, under such penalties as the Governor in council may deem fully adequate to the prevention of that traffic.

7.—The foregoing remarks, it is presumed, will inform the Governor in council sufficiently of the construction annexed by the Governor General in council, to the Act of the 51st Geo. 3, c. 23, and of the measures which it has been judged necessary to adopt at this presidency. It is scarcely necessary to add, that his Lordship in council is of opinion, that similar measures should be adopted by the government of Fort St. George, with such modifications as local circumstances may suggest, without of course departing from the principle on which the measures above detailed are founded. I have, &c.

(signed) *G. Dowdeswell*, Sec^{y} to Gov^{t} Judicial Department.

Fort William, 26th September 1812.

P. S.—Enclosed, you will receive twenty copies of the above-mentioned statute.

(signed) *G. D.*, Secretary.

To the Secretary to the Government at Bombay.

N° 15.

Sir:—The Right honourable the Governor General in council having had under his consideration the course of measures which should be pursued by the local governments of this country with respect to the Act of the 51st Geo. 3, c. 23, intituled, "An Act for rendering more effectual An Act made in the forty-seventh "year of His Majesty's reign, intituled, 'An Act for the Abolition of the Slave "'Trade.'" I am directed to desire, that you will communicate the following observations on the subject, to the honourable the Governor in council.

2.—The provisions of the Act being highly penal in their operation, and its object highly important, the Governor General in council has considered it proper to order a copy of it to be published in the Calcutta Gazette.

3.—In like manner his Lordship has directed copies of the Act to be forwarded to the different independent and subordinate governments in the country.

4.—On the same principle, copies of the statute will be forwarded to the magistrates stationed at the sea ports immediately dependent on the presidency, in order that, in their capacity of justices of peace, under the law of England, they may aid in enforcing the provisions of the statute. It has not been deemed necessary to forward copies of the Act to the other magistrates, as the Governor General in council does not consider its provisions applicable to the importation or removal of slaves by land.

Regulation X. 1811.

5.—The Governor in council is aware that a regulation was some time ago passed at this presidency for preventing the importation of slaves from foreign countries. Inquiries will be made with the view of ascertaining whether the provisions of that regulation have been effectual in preventing that species of traffic;

if

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if not, a further regulation will be passed, without loss of time, establishing severer penalties for the infringement of the prohibition now existing under the regulation above noticed, of the importation of slaves from foreign countries, in conformity to the spirit of the statute, to which the foregoing remarks allude. In like manner, the Governor General in council begs leave to recommend that a regulation be passed at Bombay for preventing the importation of slaves by land into the territories subject to that presidency, under such penalties as the Governor in council may deem fully adequate for the prevention of that traffic.

6.—The foregoing remarks, it is presumed, will inform the Governor in council sufficiently of the construction annexed by the Governor General in council to the Act of the 51st Geo. 3, c. 23, and of the measures which it has been judged necessary to adopt at the presidency. It is scarcely necessary to add, that his Lordship in council is of opinion that similar measures should be adopted by the government of Bombay, with such modifications as local circumstances may suggest, without of course departing from the principle on which the measures above detailed are founded.

7.—Inclosed, you will receive ten copies of the above mentioned statute.

I have, &c.

(signed) *G. Dowdeswell*, Sec^{y} to Gov^{t} Judicial Department.

Fort William, 26th Sept. 1812.

Ordered, That a copy of the foregoing letters to the secretaries to the governments of Fort St. George and Bombay be recorded in the colonial department; that the necessary communications may be made to the governments of Java, of Prince of Wales Island, of Mauritius, of Ceylon, and to the residents at the Moluccas, and at Fort Marlborough.

Ordered, That the superintendent of the press be directed to publish the above-mentioned statute in the next Calcutta Gazette.

Ordered, That the provincial court at Bareilly be directed to ascertain and report whether the provisions of Regulation X. 1811, have proved effectual in preventing the importation of the slaves from foreign countries into the districts included within the limits of their jurisdiction.

Ordered, That the resident at Delhi be likewise directed to state whether the proclamation mentioned in his letter of the 4th instant to the secretary in the political department to have been issued by him, with the view of preventing the importation of slaves from foreign countries into the places subject to his superintendence, has produced the effect desired.

Ordered, That six copies of the above-mentioned statute be transmitted to the magistrates of Chittagong and Cuttack respectively, in order that, in their capacity of justices of the peace under the law of England, they may aid in enforcing the provisions of the statute in regard to any slaves who may be imported by sea into those districts.

(signed) *G. Dowdeswell*, Secretary to Government.

Extract, Bengal Judicial Consultations, 19th December 1812.

Criminal, N° 48.

N° 21.—Extract from the Proceedings of the Right honourable the Governor General in council in the Political Department, under date the 13th of November 1812.

(For the previous correspondence, see papers relative to Delhi.)

Provisional Court at Bareilly to G. Dowdeswell, Esq. Chief Secretary to Government, Judicial Department, Fort William.

N° 50.

Sir:—Immediately on the receipt of your letter, dated 26th September last, desiring us to ascertain and report whether the provisions of Regulation X. of 1811, have proved effectual in preventing the importation of slaves from foreign countries into the districts included within the limits of our jurisdiction, we transmitted a copy to each magistrate in this division, with instructions to furnish the information required, as soon as possible.

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2.—We have now the honour to submit attested copies of the answers received from eight out of the nine magistrates under our authority; from which it will be evident to government, that since the promulgation of the regulation above specified, the traffic in slaves imported from foreign countries is almost, if not entirely, suppressed in the districts of Bareilly, Moradabad, Cawnpoor, Furruckabad, Etawah, Agra, Alligurh, and Seharunpore South.

3.—What may be the case in Seharunpore North, whether the importation or sale of slaves there continues as formerly or otherwise, we have no means of judging; we only know, by an application from the magistrate, dated 5th October last, that he was then doubtful whether Regulation X. of 1811 was meant to be extended to these provinces. In our answer to that application, we gave our opinion in the affirmative; but recommended it to Mr. Grindall to consult the Nizamut Adawlut that being the only court competent to give a decisive interpretation of the regulation. A few days after the dispatch of that answer, your letter arrived, and was communicated to Mr. Grindall in the manner already stated, but we have not yet received his report; and under the circumstances just mentioned, we thought it unnecessary to await the receipt of it before we submitted the favourable reports from the other magistrates.

We have, &c.
(signed) *F. Hawkins*, Senior Judge.
Bareilly Court of Circuit, Dec. 4, 1812. *A. Ross*, Officiating Judge.

To F. Hawkins, Robert Ker, Esqrs. Judges, and A. Ross, Esq. officiating Judge of the Court of Circuit for the Division of Bareilly.

N°51.

Gentlemen:—I have the honour to acknowledge the receipt of your letter, dated the 20th instant, and to acquaint you, that I have every reason to believe that the importation of slaves into this district has been entirely checked since the promulgation of Regulation X. of 1811.

2.—There are, however, at present an immense number of people in the city and its vicinity who have come from the westward on account of the famine, and I understand that they dispose of their children, though the pretence is that they give them away from inability to support them.

I have, &c.
Zillah Furruckabad, 23d Oct. 1812. (signed) *Charles Elliot*, Magistrate.

To F. Hawkins, Robert Ker, Esqrs. Judges, and A. Ross, Esq. officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen:—In reply to your letter of the 20th, inclosing copy of a letter from Mr. Secretary Dowdeswell, I have the honour to inform you, that the provisions laid down in Regulation X. of 1811 have had a very good effect in preventing the importation and sale of slaves in this district; in fact, since the issuing of the proclamation required by Mr. Thomas Brooke's letter of the 23d March 1811, on which some children were sent in by the police officers, and sent by me through the magistrate of Moradabad back to their parents, and receipts granted for them, nothing of the kind has re-occurred; since that period the traffic has stopped in this district; and as the police officers have received the strictest orders on the subject, I hope it will be totally put an end to.

I am, &c.
(signed) *H. Wilkinson*, Magistrate.
Zillah Seharunpore, S. D. Meerut, 24th Oct. 1812.

To F. Hawkins, R. Ker, Esqrs. Judges, and A. Ross, Esq. officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen:—I have the honour to acknowledge the receipt of your senior Judge's letter of the 20th instant, giving cover to a copy of Mr. Secretary Dowdeswell's letter, relative to the importation of slaves.

I have every reason to believe that the provisions of Regulation X. of 1811, have been effectual in preventing the importation of slaves from foreign countries into this district.

I have, &c.
Zillah Agra, Oct. 26th, 1812. (signed) *R. Turner*, Magistrate.

To F. Hawkins, G. Burges, and R. Ker, Esqrs. Judges of the Court of Circuit, Bareilly.

Gentlemen:—In order to attain as much information as possible upon the subject of your letter of the 20th instant, I addressed the register of deeds to ascertain whether any deeds of sale of slaves had been registered by him subsequently to the promulgation of Regulation X. of 1811. A copy of my letter, and the register's reply, I have the honour to inclose for the information of the court; and to add, that since my succession to the duties of this office, I am not aware that any circumstance has been brought before me which has induced me to suppose that the provisions contained in Regulation X. of 1811, have not been productive of the required object.

I have, &c.

(signed) *J. Ryley*, Officiating Magistrate.

Zillah Cawnpore Fouzdarry Adawlut Bittoor, 28th Oct. 1812.

To W. H. Tippet, Esq. Register of Deeds, &c. Bittoor.

Sir:—Conceiving that reference to the records of registry under your charge will enable you to furnish me with some information regarding the sale of slaves, as required by the Court of Circuit, for the information of government, in a letter, of which the inclosed is a copy, I have to request you will inform me, whether, since the promulgation of Regulation X. of 1811, deeds of any such description have been registered by you, or presented for that purpose, and to what extent.

I have, &c.

(signed) *J. Ryley*, Officiating Magistrate.

Zillah Cawnpore Bittoor, the 23d Oct. 1812.

To John Ryley, Esq. Acting Magistrate of Zillah Cawnpore.

Sir:—I have the honour to acknowledge the receipt of your letter of this date, with its inclosure; and in reply, to inform you, that no deed of the description alluded to by you has been registered in my office, or presented for that purpose since the promulgation of Regulation X. of 1811.

I have, &c.

(signed) *W. H. Tippet*, Register of Deeds.

Zillah Cawnpore Bittoor, Oct. 1812.

To. F. Hawkins, G. Burges, R. Ker, Esqrs. Judges, and A. Ross, Esq. officiating Judge of the Provincial Court of Circuit for the Division of Bareilly.

Gentlemen:—I have the honour to acknowledge the receipt of your letter of the 20th ultimo, relative to the efficiency of the provisions of Regulation X. of 1811, in preventing the importation of slaves from foreign countries.

This traffic has, I believe, suffered a very material check since the promulgation of the regulation, inasmuch as children are no longer brought down from the hills, and publicly exposed for sale, as formerly, within this district, but children are still sold within the Company's provinces by subjects of the British government, nor does the regulation contain any prohibition of such sale. Parents prevented by poverty from rearing a large family, will dispose of their children to an advantage, when offered, rather than allow them to starve; the feelings of nature will confine this traffic to cases of necessity only, and will act more forcibly than any legal prohibition in preventing abuses; it may be much doubted, indeed, whether the condition of children imported from the hills was not, in most cases, much ameliorated by such importation.

I have, &c.

Zillah Bareilly, 10th Nov. 1812. (signed) *H. Dumbleton*, Magistrate.

To F. Hawkins, R. Ker, Esqrs. Judges, and A. Ross, Esq. officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen:—I have the honour to acquaint you, in reply to your letter of the 20th ultimo, that I have not heard of any importation of slaves into this district since the promulgation of Regulation X. of 1811.

The suppression of the trade is to be attributed partly to the penalties enacted against it by the regulation abov quoted, and partly to the measures which, I am told, the Nepaul government ha lately adopted with a view to check the commerce

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within its own territories. For however clamorous the officers of that government have been lately against the slave trade, and however much they have endeavoured to impress us with the belief that the traffic was carried on clandestinely and without their sanction, there can be but little doubt that they were once deeply concerned in it.

In support of this opinion, I beg to submit the examination of a woman who was sold into slavery by one of Bumsah's revenue officers, in the beginning of last year; and shortly after I had issued, at the request of Mr. Brooke, the late agent of the Governor General at Bareilly, a proclamation, prohibiting the importation of slaves into this district.

I am, &c.

Zillah Moradabad, 14th Nov. 1812. (signed) *G. Oswald*, Magistrate.

To F. Hawkins, R. Ker, Esquires, Judges, and A. Ross, Esquire, officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen:—I have the honour to acknowledge the receipt of your letter and its enclosure of the 20th ultimo, and in obedience to the orders contained therein, beg leave to acquaint you, that I have every reason to believe, that the offence of importing slaves does not exist in this district.

I have the honour to be, &c.

Roodercote Zillah Etawah, November 18, 1812. (signed) *T. Perry*, Magistrate.

To F. Hawkins, Esquire, Judge, and A. Ross, Esquire, officiating Judge of the Court of Circuit for the Division of Bareilly.

Gentlemen:—In reply to your letter of the 20th ultimo, I beg leave to report, that from every information which I have been able to collect upon the subject of it, it does not appear that the practice of importing slaves from foreign territories into this district has ever been usual, or that an instance of the kind has ever occurred.

I have, &c.

Zillah Ally Ghur Coel, 20th Nov. 1812. (signed) *J. Marjoribanks*, Acting Magistrate.

Ordered, That the secretary write the following letters to the secretaries to the government at Fort St. George and Bombay, and to the magistrate of Meerut.

To the Chief Secretary to Government at Fort St. George, and Secretary at Bombay.

N° 52.

Gentlemen:—In the letter which I addressed you, on the 26th September last, respecting the trade in slaves, I had the honour to observe as follows: "Inquiries "be made with the view of ascertaining whether the provisions of that regulation "have been effectual in preventing that species of traffic; if not, a further regulation "will be passed without loss of time, establishing severer penalties for the infringe-"ment of the prohibition now existing under the regulation above noticed, of the "importation of slaves from foreign countries, in conformity to the spirit of the "statute, to which the foregoing remarks allude."

2.—I am now directed to transmit to you, for the purpose of being laid before the Honourable the Governor in council, the enclosed copy of a letter from the provincial court for the division of Bareilly, and of the reports of the magistrates in that division which are mentioned, to accompany it.

3.—In my letter of the above date, the Governor General in council has already expressed his opinion, that the provisions of the Act passed in the 51st year of his Majesty's reign, c. 23. can only be considered applicable to the importation and removal of slaves by sea. From the documents above noticed it appears, that the rules contained in Regulation X. 1811, have proved fully effectual in preventing the importation of slaves by land into the territories immediately dependent on this presidency. The Governor General in council begs leave to recommend that a regulation corresponding in substance with the provisions of Regulation X. of 1811, of the Bengal Code, be passed, with a view to the accomplishment of the same important object at Fort St. George. The provisions of the Act of Parliament will effectually restrain the importation of slaves into the British territories by sea.

4.—In offering these suggestions and observations, the Governor General in council is fully aware, that the provisions of that Act are subject to considerable difficulties in their application to this country. It can scarcely, however, be neces-

sary

sary to observe, that no legal means can be adopted by the authorities in this country for dispensing with the observance of them. It is the intention of his Lordship in council, to draw the attention of the Honourable the Court of Directors to the subject, by the first convenient opportunity.

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I have, &c.
(signed) *G. Dowdeswell*, Chief Sec. to Government.

Fort William, 19th Dec. 1812.

To the Magistrate of the N. D. of Seharunpore.

Sir:—The provincial court for the division of Bareilly having submitted to government the reports furnished by the several magistrates within the limits of their jurisdiction, with the exception of your report, respecting the operation of the provisions of Regulation X. of 1811, for preventing the importation of slaves from foreign countries, I am directed, by the Right honourable the Governor General in council, to desire that you will signify to government the cause of the delay which occurred in furnishing the report required by the provincial court. N° 53.

I am, &c.
(signed) *G. Dowdeswell*, Chief Sec. to Government.

Council Chamber, 19th Dec. 1812.

Extract, Bengal Judicial Consultations, 30th January 1813.

Secretary to the Government at Fort St. George, Judicial Department, to George Dowdeswell, Esq. Secretary to the Government, Fort William. Criminal, N° 76.

Sir:—I am directed to acknowledge the receipt of your letter of the 26th of September last, and to state, that as the Slave Trade Felony Act was of course to constitute the ground work of the proposed regulation for preventing the importation of slaves into the territories subject to this government, the Honourable the Governor in council deemed it expedient to take the opinion of the advocate general with regard to the provisions which such a regulation ought to contain.

2.—It was originally the intention of the Governor in council to have caused a regulation for this presidency to be framed in conformity to the sentiments which might be expressed by the advocate general in his reply to the reference made to him on the subject, but in consideration of the necessity of promulgating the statute 51 Geo. 3. c. 23. throughout this country in the accustomed manner, and the expediency of modifying certain of its provisions being common to all the governments of the East India Company, it has since seemed to the Governor in council to be more correct to furnish the supreme government with copies of the two reports, which the advocate general has submitted, to the end that, should the Governor General in council concur in the opinion therein stated, a general regulation for India may be framed, and hereafter incorporated in the separate code for this presidency,

3.—I am accordingly directed to transmit to you the accompanying copies of those reports, and to express the request of the Governor in council to be furnished with the further instructions of the supreme government.

I have the honor to be, &c.
(signed) *D. Hill*, Secretary to Government.

Fort St. George, 20th November 1812.

To the Secretary to Government in the Judicial Department.

Sir:—I have received your letter, dated the 30th ultimo; the statute 51 Geo. 3. c. 23. expressly extends to all persons residing within the Company's territories, against all of whom the penalties of felony are enacted for bringing slaves into these territories; if, therefore, the course of judicature here had led the provincial courts to notice and act upon British statutes, (as they are bound to in strictness of law, where these statutes apply to them) and if the natives had also been accustomed to look to the British Parliament for legislation, nothing would be requisite to be done by any local authority, the law being already in force. N° 77.

But as the provincial courts and the suitors are accustomed to laws published by the authority of the government, I think it will be advisable and proper, for the sake of uniformity, to publish this also, either stating it to be the promulgation of a law already in force by the authority of the King in Parliament, or merely enacting the same provisions in the form of a regulation of this government, which by the

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same authority of the legislature, has already been invested with the power of framing regulations for the guidance of the provincial courts.

As the Governor General in council has declared that the statute only extends to the importation of slaves by sea, and as the objection equally applies to the introduction of slaves by land, and ought to be guarded against by similar precautions, I humbly advise that a regulation to the same effect in other respects applicable to the introduction of slaves by land be published with the former, or if the purport of the statute is published here as a regulation of this government in the same form with other regulations, the regulation may at once be extended to all introduction of slaves, by land or by sea, which I should think the more advisable shape to give to it. I am, &c.

(signed) *Alexander Anstruther*, Advocate General.

Fort St. George, 5th November 1812.

To the Secretary to Government in the Judicial Department.

Sir:—Since I addressed you on the 5th instant, on the subject of the Slave Trade Felony Act, my attention has been called to it, by noticing the address of the recorder of Bombay to the grand jury, as published in the government Gazette here on the 29th ultimo. I have not ascertained it authenticity, that being immaterial to the present object.

There seems to me to be no doubt of the correctness of the observation contained in the above publication, that under the strict interpretation of the statute of 1811, the commander of an Arab, or other foreign Asiatic vessel carrying slaves for sale, or even only navigating partly by the slaves of the owner or commander, and entering any British port in India, becomes liable to the penalties of felony. But the consequences of the same interpretation would go much further. For although the legislature has expressly provided (s. 4.) that the Act shall not extend to the removal of slaves from one British settlement to another *in the West Indies*, no such exemption from punishment is allowed to the same conduct in the East Indies; accordingly the temporary removal of a native, with his family and slaves, in the ordinary course of business, from Bombay to the coast of Malabar, from either of these places to Ceylon, from Ceylon to the coast of Coromandel, or from hence to Bengal, or Penang, would incur the penalties of felony. It may even be questioned, whether the importation of a slave at one port (as Masulipatum) of the same territory, from another port of which (as Madras) he has been brought, is not felony within the Act; and it seems clear, that if a merchant of Malabar goes over to the opposite islands, or if a Moliar of the coast of Coromandel pursues the accustomed traffic to Acheen and Pegue in a vessel navigated by his slaves, his return with them to the British territories to be *therein dealt* with as slaves, is felony under the letter of the statute.

If the importation of slaves by land shall be made liable to the same penalties as the importation by sea, which I had in my former report recommended, the consequences of the above interpretation of the statute will include in the penalties of felony, every native who, travelling with his family and slaves, shall enter the British territories. The position of these territories render this peculiarly inconvenient. Until the assumption of the Carnatic, in the year 1801, almost every native inhabitant of Madras was in the habit of spending a part of his time in almost every year in the nabob's territories; I presume that a similar intercourse must exist between the natives of the British dominions, and the neighbouring allies upon every side; some parts of our possessions are surrounded by allied states, while other states are enclosed within the British, and a considerable portion of the traffic of the East has always been carried on by merchants travelling from one country to another with their goods, and with their attendants and slaves to take care of those goods. To make this felony would be inconsistent with every principle that has hitherto regulated the British legislation in the East, the basis of which is, to preserve and support the existing usages.

In considering the Act, it is impossible to mistake the origin of the omission to adapt its provisions to the circumstances existing in India. The whole purview of the Act points out the trade in African slaves to the West Indies, as the evil intended to be remedied, and apparently more for the sake of uniformity and of principle than to remedy any existing evil; the general clause of prohibition and penalty has been made to include the territories of the East India Company. But the precautions against the importation of slaves are calculated only for islands, and in the exception

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exception in favour of removals of slaves from one settlement to another, the East Indies and all other places, except the West India Islands, are wholly overlooked.

The object of the legislature in the Act, is not to interfere with the existing rights of masters over their slaves, but merely to destroy the inhuman traffic in the procurement of new slaves; and as that, like all other traffic, depends upon the market open to dealers, the evident design of the legislature in establishing severe penalties upon the importation of new slaves is that of preventing all temptation to the traffic, by leaving no market open for it.

The imperfections in the statute cannot be remedied by any Act of the government in India, so far as the Act is to be applied by the King's courts, or to operate by its own force; but where the intervention of the local authority becomes requisite from its general legislative power, to promulgate the intentions of the supreme legislature, it appears to me, that the local government will discharge its duty more correctly, by rectifying the mistakes which the legislature has evidently fallen into, whether from inadvertence, or from not being acquainted with local circumstances, than by enforcing the letter of the statute in particulars inconsistent with its general spirit.

Under this opinion I advised, in my former report, that the introduction of slaves by land should be expressly prohibited under the same penalties which apply to their importation by sea. It is manifest that, if their importation by land were permitted in India, the whole Act would be nugatory here, being liable to evasion by the simple expedient of landing the slaves first in a neighbouring state; and in the only instance of this traffic which has come to my knowledge (by the late reports of the judge and magistrate in North Malabar), it might continue to be carried on with impunity, the slaves having been introduced into Malabar from the adjoining country of Travancore, where they were procured.

I can have no doubt in also recommending that in any regulation which the government may issue on the subject, the exception contained in the 4th clause of the statute, in favor of the removal of slaves from one British settlement in the West Indies to another, may be extended to similar removal from any one to any other place in the same or in any other settlement or possession of the King, or of the East India Company within the Company's exclusive limits of trade; this exemption should include all removals and bringing back of slaves, whether direct and immediate, or after touching or staying at any intermediate foreign places, so as such slaves had before been slaves in the British territories.

I also think it will be proper to restrict the penalty to the introduction of new slaves procured for that purpose, or introduced for the purpose of sale. In framing a regulation for this purpose, there will be danger of leaving means of evading the law, which must be guarded against; perhaps a provision may be framed at once sufficiently comprehensive and sufficiently precise, by excepting from the penalties of the Act all persons who, not being subjects of the British possessions, shall enter the British territories with slaves not intended to be sold, assigned, or transferred therein, and who shall not sell nor offer for sale such slaves while they remain in these territories, declaring any subsequent sale, transfer or assignment in the said territories, of slaves so introduced, to be conclusive proof of their having been brought for that purpose.

These suggestions here, occurred to me on the subject, but it is probable that other suggestions may occur to other gentlemen better acquainted with the usage and traffic of the interior provinces.

I am, &c.

(signed) *Alexander Anstruther*, Advocate General.

Fort St. George, 17th Nov. 1812.

Ordered, That the secretary write the following letter to the secretary at Fort St. George.

To the Secretary at Fort St. George.

N° 78.

Sir:—I am directed by the Right honourable the Governor General in council, to acknowledge the receipt of a letter from you, dated the 20th November last, with its inclosures.

2.—It is presumed, that the observations and suggestions contained in my letters to the chief secretary of the 26th September and 19th December last, will have sufficiently informed the Honourable the Governor in council of the course, which in the opinion of his Lordship in council, should be pursued by the local governments of India, with respect to the slave trade

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3.—It only remains to notice the suggestion contained in your letter, for framing a general regulation with respect to the above question. By following the course adverted to in the preceding paragraph, the Governor General in council conceives that uniformity will be maintained at the different presidencies, in the laws regarding slaves, as far as the circumstances of the different presidencies will admit; it occurring to his Lordship in council, that severer penalties may be eventually required at Fort St. George or Bombay, for preventing the importation of slaves by land, than those which are stated to have proved efficient for the accomplishment of that object in Bengal. In all other respects, his Lordship in council conceives, that the laws and regulations now established in Bengal, respecting the importation of slaves from foreign territories, and the sale of such slaves within the limits of our possessions, may be adopted at the presidencies of Fort St. George and Bombay.

I have, &c.

(signed) *G. Dowdeswell*, Chief Secretary to Government.

Fort William, 30th January 1813.

Extract, Bengal Judicial Consultations, 12th February 1813.

Criminal, N° 79.

Magistrate of the Northern Division of Seharunpore, to G. Dowdeswell, Esq. Chief Secretary to Government, Fort William.

Sir:—I have the honour to acknowledge the receipt of your letter of the 19th December last, calling on me to state the cause of the delay which occurred in furnishing my report to the Court of Bareilly, respecting the operation of the provisions of Regulation X. 1811. In furnishing the explanation required, I must ackowledge the delay originated in a mistake, for which I trust I shall receive his Lordship's pardon; in the heading to the regulation, the term countries *immediately* dependent on the presidency of Fort William, induced me to doubt, if it were meant for promulgation in this part of the country; in applying, however, to the Court of Bareilly, my error was pointed out to me, and when called on for my sentiments by that court, on the subject of the regulation, sufficient time had not elapsed to allow of my forming a determined opinion, as I humbly beg leave to observe, it is in this district I imagine, that the slave trade has been carried on to a greater extent than in most parts of India, and this place (to which I have accompanied his Excellency the Commander in Chief), the market where I imagine greater numbers have been sold, than almost any other in the British territories, this being the case, I was unwilling to report on this subject, until I had fully seen the effect of theprovisions of the regulation, and I think I can with safety state as my opinion, that the regulation certainly is calculated to put a stop to the importation of slaves from foreign countries. I beg leave again to mention, that I trust I shall receive his Lordship's pardon for the mistake I made, which alone proved the cause of the delay that occurred in furnishing the Court of Bareilly with my report.

I have, &c.

Hurdeuar, 16th January 1813. (signed) *R. T. Grindall*, Magistrate.

Ordered, That a copy of the above letter be transmitted to the provincial Court at Bareilly, and that they be directed to report the effect of the provisions contained in Regulation X. 1811, whenever they shall have had an opportunity of satisfying themselves, while on the circuit, or by other means, with respect to that point.

Extract, Bengal Judicial Consultations, 6th March 1813.

Criminal, N° 8.

Chief Secretary to the Government at Fort St. George, to George Dowdeswell, Esq. Chief Secretary to the Government, Fort William.

Sir:—With reference to the letter to your address, under date the 20th November last, on the subject of the slave trade, I am directed to transmit to you the enclosed extract from a report from the advocate general at this presidency, containing the further observations on that subject which the advocate general has been led to make, and to state the request of the Honourable the Governor General in council, that the Right honourable the Governor General in council will be pleased to furnish this government with such instructions as the subject may seem to require.

I have, &c.

(signed) *W. Thackeray*, Chief Secretary to Government.

Fort St. George, 22d January 1813.

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N° 9.

√Extract of a Report from the Advocate General, dated 5th January 1813.

The papers of Mr. Brown, claiming the right of a master over slaves as a part of the Mahomedan law, under which he considers these provinces to be governed, ought not to be passed unnoticed, and have again called my attention to the subject, which I had before slightly considered in my letter of 14th of April. I cannot agree to the proposition that these provinces are, so far as relates to British subjects, governed by the Mahomedan law. In questions of civil right they are governed by the different laws of the different nations to whom justice is to be dispensed. In criminal prosecutions the Mahomedan law is (for what reason I do not know) established over all the natives in the provinces, but not over the British. They retain the rights of their birth, and ought also to retain all the relations connected with the British character, to which it is equally abhorrent to be the master of slaves as to endure slavery. Indeed, I do not know whether we should not rather say, from experience in another quarter of the world, as well as from reasoning, that the habitual exercise of the authority of a master over slaves is peculiarly destructive to the national honour and character. I see nothing in our situation in India, nor in the statutes, which authorizes a departure from the law of England in the relation between a British subject and his servants. It is expressly provided in the several statutes, that our law shall not interfere with the authority exercised by the heads of families among the natives, who, from local residence at presidencies, are made subject in general to the British laws, but no such provision is made for British subjects, as the masters of slaves. On the contrary, the distinction as to the natives points out the intention of the legislature, that the British should hold only their own rights and customs. If any Moorman in Madras were indicted for the exercise of violence upon his slave, which our law would punish if committed by a master over his servant, but which the laws and customs of his nation sanction as to their slaves, the defence would be sustained, and the legislature has specially provided for it. But if a similar complaint were preferred against Mr. Brown for violence against his slaves in Malabar, I am confident that he could not justify it. But the civil right to the perpetual service of the persons held by him in slavery may possibly be distinguished from the right of punishment of them as slaves, and I think the question of right may well be tried, and ought to be tried in that shape. If any one of the persons now working upon the estate of Mr. Brown as slaves, be advised to instruct the attorney for papers to bring an action against Mr. Brown for false imprisonment in detaining him upon his plantation, the admission of the fact by Mr. Brown will bring before the court the simple question of the capacity of a British subject to have a slave in India. I by no means wish to be understood to say, that it is a clear point, but I think it very proper to be settled. The same object may be obtained, by directing Mr. Baber publicly to offer freedom to any one slave who chuses to leave Mr. Brown's plantation for the avowed purpose of trying the question. From the importance of the point being settled, I should also propose, that by mutual consent, whatever might be the decision, it should be carried before the King in council, as otherwise different decisions might be given at the different presidencies, and the question be set afloat instead of being finally settled.

Supposing it to be ascertained by the highest judicial authority, that British subjects can have property in slaves in India, it remains to be considered whether the law ought to be left in that state, or, rather if the government shall think that it ought not, a regulation of government may, as to the provinces, remove the necessity of any trial or inquiry as to what is now the law on the subject, by prohibiting the practice in future.

In addition to the motives of such a regulation arising from the general character of Britons, and the propriety of preserving it, it appears from the papers now before me, that there is a danger of British subjects, in the situation of gentlemen, being enabled in fact (although, I hope, more frequently from the force of imaginary than of real connection and influence) to exercise around them an authority scarcely admitting of limit or question.

On the other hand, I am sensible that there may be objections to such a measure, upon the force of which I am not competent to offer, nor, indeed to form any opinon; I therefore mention it rather as a suggestion for consideration than as advice.

(A true extract.) (signed) *W. Thackeray*, Chief Sec^r to Gov^t.

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Minute: A copy of the above letter, and of its inclosure, was sent to the Advocate General for his opinion, on the 20th ult.

No 10.

Advocate General, to G. Dowdeswell, Esq. Chief Secretary to Government, Judicial Department.

Sir:—I have perused the letter of Mr. Thackeray, chief secretary to the Government of Fort St. George, bearing date the 22d January 1813, and addressed to you; as also the extract of a report from the advocate general, dated the 5th of January 1813, which were sent to me with yours of the 20th inst. and have the honour to state, that I entirely concur with the advocate general at Fort St. George, as to the impossibility of a British subject in India being able to support a claim to the person or services of any one in India, and within the limits of the British dominions as a slave.

Sir Samuel Toller has adverted to the distinction between the natives in India, and British subjects, and the peculiar modification of law and government under which they are respectively, for wise and political reasons, placed, and has justly in my opinion inferred, that the law which applies to the natives on the subject of slavery, cannot uphold the claim of Mr. Brown. Such being the case, I think it is unnecessary that any regulation should be made with the view of effecting any supposed right in a British subject, and that the law is, in its present state, sufficient to defeat every attempt on the part of a British subject to hold any person in subjection as a slave, either through the means of a habeas corpus, an action or a prosecution.

I have, &c.

(signed) *Edward Strettel*, Advocate General.

Calcutta, 27th February 1813.

Ordered, That the secretary write the following letter to the chief secretary to the Government at Fort St. George.

No 11.

Sir:—It having been deemed advisable to take the opinion of the advocate general on the question to which your last letter of the 22d January last refers, I am directed to request that you will lay before the Honourable the Governor in council, the inclosed copy of a letter from Mr. Strettel on that subject.

2.—The advocate general having stated it as his opinion, that it is quite impracticable as the law at present stands, for any British subject to support a claim to the person or services of any one residing within the limits of the British territories as a slave, and that opinion corresponding entirely with the sentiments entertained by the Right honourable the Governor General in council on the subject, his Lordship in council thinks, that every case of that nature which may be brought before the Governor in council of Fort St. George, should be regarded as an illegal and unauthorized assumption of power; and the legal measures should be resorted to, should circumstances appear to require it, against any British subject so acting in violation of the law.

I have, &c.

(signed) *G. Dowdeswell*, Chief Secy to Government.

Fort William, 6th March 1813.

Extract, Letter from the Court of Directors, to the Governor General in council of Bengal, in the Judicial Department; dated 12th Oct. 1814.

Letter from Bengal, dated 30th January 1813 (146 to 156), respecting the application of the Act of the 51st George 3, c. 23, commonly called the Slave Trade Felony Act, to the British Settlements in the East Indies.

80.— Will be replied to separately.

Extract, Bengal Public Consultations, 28th March 1812.

No 1.

Extract from the Right honourable the Governor General's minute; dated 6th December 1811.

108.—The state of slavery and of piracy in the Eastern Seas will hereafter be brought under consideration. In truth, our information will be more complete, and we are likely to be assisted by more mature views and suggestions on all these points, after some little period of tranquillity and leisure shall have elapsed.

109.—The pressure of arrangements for the moment, and the scarcely subsided agitation of the events out of which these duties arise, did not admit of distant and extensive

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extensive inquiries, nor of much deliberate investigation during the few weeks which intervened between the conquest and my departure.

110.—My aim has been to settle the general system of administration in the new province; to put that system in motion, to confide its present direction to able and faithful hands, and to point the researches, the views, the deliberation, and where it could be done without rashness, the measures of the local administration to the most essential objects of public interest, present and future, embracing alike the welfare of our own country, and of the several nations, European and Asiatic, with whom we have thus contracted a relation which imposes upon us the duty of protection, and inspires the sentiments of guardianship and affection.

N° 1.—PROCLAMATION.

THE Island of Java, and all the late French or Dutch possessions in the Eastern Seas, having fallen under the British dominion, are hereby declared to form part of the territorial possessions of the Honourable the English East India Company, and the said island and possessions will be subject to such laws, regulations, and form of government as may be hereafter established by His Britannic Majesty in Parliament, or by the Honourable the East India Company.

The government shall, in the mean while, and until the pleasure of the Supreme Authorities in Great Britain shall be signified, be administered in the following manner:

All the powers of government shall be exercised by, and all acts and orders shall be done and issued in the name of, his Excellency the Governor General of India, the Right honourable Lord Minto, during his residence in Java. His Excellency has been pleased to appoint the Honourable Thomas Raffles, Lieutenant Governor of Java, who will aid him in the execution of the said functions, until his departure from the island.

After the departure of the Governor General, the Honourable the Lieutenant General will exercise in his own name and person, the powers of government, and will be invested with all the authorities appertaining thereto, in the fullest and amplest manner.

The government of Java is subject to the superintendence, order, and instructions of the Governor General in council in Bengal, in like manner as every other part of the Honourable Company's territories in India.

The establishment of the subordinate departments of the administration will be published hereafter.

In the mean while, the members of the late administration in the departments hereinafter mentioned, are directed to continue provisionally in the performance of the duties and functions of their respective offices, viz.—

The president, vice-president, members, and officers of the Supreme Court of Justice.

The president, members, and officers of the College of Schepenen or Sheriff's Court.

The president and members of the Chamber of Accounts.

The commissaries and officers for the superintendence of marriages, and for settling small debts.

The commissary and officers of the Vendue department.

The translators in the different languages.

The landrost of Cheribon.

Mr. Couperas is also directed to continue provisionally in the performance of the duties of landrost of the Jaccatra and Preanger regencies, vacant by the removal of Mr. Vinkens.

Mr. Desales will also perform provisionally, and until further orders, the duties of landrost of the environs of Batavia.

The trustees and guardians of all charitable and pious institutions are considered as exercising their respective functions as heretofore.

Such provisions for the benefit and good government of the country as it has been practicable to deliberate upon in the present early period of a new authority are set forth, and published in a separate paper of the same date as the present, in the name, and bearing the signature of his Excellency the Governor General.

Done at Molenoliet, the 11th September 1811, by his Excellency the Governor General of British India.

(A true copy.) (signed) *Minto.*

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N° 2.—PROCLAMATION.

FOR the satisfaction of the inhabitants and people of Java, the following provisions are made public in testimony of the sincere disposition of the British government, to promote their prosperity and welfare. The refusal of their late government to treat for their interests, although disabled by the events of war from affording them any further protection, has rendered the consequent establishment of the British authority unconditional. But an English government does not require the articles of capitulation to impose those duties which are prompted by a sense of justice and a beneficent disposition. The people of Java are exhorted to consider their new connection with England as founded on principles of mutual advantage, and to be conducted in a spirit of kindness and affection. Providence has brought to them a protecting and benevolent government; they will cheerfully perform the reciprocal duties of allegiance and attachment.

1st.—His Majesty's subjects in Java will be entitled to the same general privileges as are enjoyed by the natural born subjects of Great Britain and India, subject to such regulations as now exist, or may hereafter be provided respecting residence in any of the Honourable Company's territories.

2d.—They will have the same privilege and freedom of trade to and with all countries to the east of the Cape of Good Hope, and also with His Majesty's European dominions as are possessed by natural-born subjects of Great Britain.

3d.—Dutch gentlemen will be eligible to all offices of trust, and will enjoy the confidence of government, according to their respective characters, conduct and talents, in common with British born subjects.

4th.—The vexatious system of monopoly which is understood to have heretofore prevailed in some instances to an oppressive and inconvenient extent, will be revised, and a more beneficial and politic principle of administration will be taken into consideration, as soon and to such extent as full information on the subject can be obtained, as established usage and habit may admit, and as may be consistent with a due regard to the health and morals of the people.

5th.—The Dutch laws will remain provisionally in force under the modifications which will hereafter be expressed, until the pleasure of the supreme authorities in England shall be known, and it is conceived that no material alteration therein is to be apprehended. The modifications to be now adopted are the following:

First.—Neither torture nor mutilation shall make part of any sentence to be pronounced against criminals.

Secondly.—When a British born subject is convicted of any offence, no punishment shall be awarded against him, more severe than would be inflicted by the laws of England for the same crime, and in case of doubt concerning the penalty by English law, reference shall be made to the Honourable the Recorder of Prince of Wales Island, whose report shall be a sufficient warrant for awarding the penalty stated by him to be agreeable to the laws of England. No sentence against any British born subject for any crime or misdemeanour, shall be carried into execution until a report shall have been made to the Lieutenant Governor.

Thirdly.—No sentence of death against any person whatever shall be carried into execution until report shall have been made to the Lieutenant Governor.

Fourthly.—The Lieutenant Governor will have the power of remitting, moderating or confirming all penalties, excepting inconsiderable fines, short imprisonment or slight corporal punishment.

Fifthly.—British born subjects shall be amenable to the jurisdiction of the Dutch tribunals, and to the Duch laws, in all cases of civil complaint or demands whatever, whether they be plaintiffs or defendants.

Sixthly.—All British born subjects shall be subject to the regulations of police, and to the jurisdiction of all magistrates charged with the execution thereof, and with the maintenance of the peace, and of the public tranquillity and security.

Seventhly.—All persons belonging to or attached to the army, who are by their condition subject to military law, shall for the present be tried for any crimes they may commit only by courts martial, unless sent by the military authorities to civil courts.

Eighthly.—It being necessary in all countries that a power should exist of forming regulations in the nature of legislative provisions adapted to change of circumstances, or to meet any emergency that may arise; and the great distance of the British authorities in Europe, rendering it expedient that the said power should for the present reside in some accessible quarter, it is declared that the Lieutenant Governor shall

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shall have power and authority to pass such legislative regulations as, on full deliberation, and after due consultation and advice, may appear to him indispensably necessary, and that they shall have the full force of law; but the same shall be immediately reported to the Governor General in council in Bengal, together with the Lieutenant Governor's reasons for passing the said regulations, and any representations that may have been submitted to him against the same; and the regulations so passed will be confirmed or disallowed by the Governor General in council, with the shortest possible delay. The mode in which the Lieutenant Governor shall be assisted with advice will hereafter be made known, and such regulations will hereafter be framed as may be thought most conducive to the prompt, pure and impartial administration of justice, civil and criminal.

Regulations respecting the paper currency, as well as the relative value of coins circulating in Java, will be published in a separate paper of this date.

Done at Molenoliet, the 11th day of September 1811, by his Excellency the Governor General of British India.

(signed) *Minto.*

To the Honourable the Secret Committee of the East India Company.

Honoured Sirs:—The Right honourable the Governor General having, previous to his departure from Java, directed the particular attention of this goverment to the state of slavery as existing on this island, and the dependant possessions of the late Dutch government, and required a full report thereon, with a view of ameliorating the situation of the slaves, I have the honour to transmit, for the information of your honourable committee, a copy of my Report to his Lordship on the subject, which with the observations contained in the concluding paragraph of my letter to the supreme government, under date the 1st May, will, I trust, afford every information that is desired on this interesting subject.

Separate proceedings, 1st May.

2.—In conformity to the instruction of his Lordship, that the importation of slaves should be limited to certain ages, and be made subject to such restrictions as might be found advisable, no slaves are allowed to be imported above the age of fourteen years, and the duty on importation has been doubled. It was not deemed prudent to proceed to any further extent in the first instance, as an immediate prohibition in the trade of slaves to this island must have been followed by a disaffection on the part of many of the neighbouring native chieftains, whose sole profit has long been derived from that traffic. This arrangement, however, was intended, as it has in fact proved, to amount nearly to a prohibition, and it has at any rate paved the way to a positive abolition of the trade, whenever circumstances may with safety admit of such a measure.

Vide separate proceedings, 17th July.

3.—On reference to my proceedings, as noted in the margin, your honourable committee will perceive, that a question has arisen with regard to the application of the late Acts of Parliament, regarding slavery to these territories, and that until the sentiments and instructions of the higher authorities in India are received, an arrangement has been made with the senior officer of His Majesty's squadron in these seas, by which the introduction of slaves has been provisionally continued. I look forward, however, to the probability of its being entirely discontinued at an early period, and your honourable committee may be assured, that every exertion will be made by this government to carry into full effect the benevolent and enlightened views of the British legislature.

Sep. proceedings 26th August.

Sep. proceedings 29th August.

I have the honour to be, with the greatest respect, your most obedient, faithful, humble servant

(signed) *T. S. Raffles.*

Batavia, 24th October 1812.

Extract of a letter from the Governor General in council of Bengal to the Court of Directors in the Colonial Department; dated 2d January 1813.

Par. 60.—Your Honourable Court will perceive, in reference to the proceedings noted in the margin, that a question of considerable interest has occurred with regard to the operation of the Act of 51 Geo. 3. c. 23. intituled "An Act for rendering more effectual an Act made in the forty-seventh year of His Majesty's reign, intituled, 'An Act for the Abolition of the Slave Trade.'"

Cons. 17th October, 7 to 14, and 16 to 20.
5 December 16 to 26

Par. 61.—The provisions of this statute being highly penal in their operation, and its object being of the highest importance, we judged it proper to have the Act

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published at this presidency, and copies of it were transmitted to the different governments throughout India, with a view to their giving effect to the intentions of the legislature within the limits of their respective jurisdictions.

Par. 62.—No doubt can, we think, exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea into British ports by British subjects; but as it was passed before the island of Java and its dependencies had actually been acquired by His Majesty's and the Honourable Company's arms, it may be presumed that the legislature could not have had it in contemplation to pass a law which was to become applicable to a colony not actually in our possession.

Par. 63.—It may also be presumed that the provisions of this statute were never intended to be applied to the inhabitants of the numberless islands in the Eastern Seas, not actually under our dominion, who, agreeably to immemorial custom, may transport slaves from those islands either to ports in the possession of the European powers, not being British, or to the ports of various independent chiefs, who hold possessions in the islands and continent of Asia.

Par. 64—As however the Act is expressly extended to India, we have considered it incumbent upon the British authorities to enforce its provisions, so far as relates to British subjects carrying on that traffic from and to every port, without exception, and to all other persons from or to any British port, promoting, as far as the authority of a British law appears to extend, the humane and benevolent object which the legislature had in view.

Par. 65.—A case has, however, been represented to us by the Lieutenant Governor of Java, in which it appears that the intention of the Act has been totally misunderstood, or its provisions have been strangely misapplied by one of the commanders of His Majesty's ships on that station.

Par. 66.—It appears that a vessel having slaves on board, had been detained by the captain of His Majesty's frigate Cornelia, but the slaves having afterwards been landed at Batavia, they were claimed by Captain Owen as prize, and that officer, instead of releasing and emancipating them, which we conceive it was his duty to have done, thought proper to make over the persons in question, under indentures to private individuals on the island, for a valuable consideration.

Par. 67.—In this instance, the proceedings of Captain Owen was, we think, at variance with the intent and spirit of the law which he proposed to enforce, and we have deemed it necessary, therefore, to bring the circumstance under the immediate notice of his Excellency the naval commander in chief. We have also intimated to the government of Java, our opinion, that they should decline to give any kind of sanction to the transaction, and that in the event of any loss or expense being incurred by the parties who have engaged in it, the government should not undertake in any manner to grant them an indemnification.

Par. 68.—With respect to the persons who have been detained by Capt Owen, and made over as apprentices to individuals on the islands, we have stated to the Lieutenant Governor our opinion, that these persons ought to be emancipated, in pursuance of the provisions of the statute; but that if from their youth or sex, or from the circumstance of their being entire strangers on the island, they should find it difficult to obtain an immediate subsistence, the interposition of the government might be proper to afford them relief, and that while it should be found necessary to grant them the means of subsistence, the government would be justified in employing their personal services.

Par. 69.—On the general question, how far the Act of Parliament can be considered applicable to the natives of India transporting slaves by sea to ports not under the British authority, and how far it may be expedient to qualify any of its provisions, your Honourable Court will, we doubt not, take such professional advice as may appear to you to be necessary, with a view to the question being brought eventually under the consideration of the proper authorities in England, and in considering this question as it affects the numerous independent states in the Eastern Seas, your Honourable Court will not fail to advert to the unavoidable consequence of giving effect to the existing provisions of the Act with regard to them, that of placing them generally in a condition of enmity towards the British government, and of tending to multiply those acts of sanguinary ferocity, which the Malays are characteristically prone to commit, under any incitement either of plunder or revenge.

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Extract of a Letter from the Governor General in council of Bengal, to the Court of Directors in the Colonial Department; dated 31st July 1813.

Par. 9.—In our letter of the 2d January last (paragraphs 60 to 69) we brought under the notice of your Honourable Court, a question which had arisen regarding the application of the Act of the 51st of his present Majesty, containing provisions for the more effectual enforcement of the law prohibiting the transportation of slaves by sea.

Par. 10.—We stated on this occasion, that we considered the Act to apply to India in all cases where British subjects might be engaged in the transportation of slaves to a British port, but we were of opinion at the same time, that it could not have been the intention of the legislature to extend the penalties of the law prohibiting the transportation of slaves to the subjects of independent states, who by the law or usage of their own country, were allowed to carry on a traffic in slaves.

Par. 11.—Since the date of our letter of the 2d January, we have received further representations from the government of Java on the subject, and we have been called upon by an individual to indemnify him for the loss sustained in consequence of the detention of his vessel by the commander of one of His Majesty's ships.

Par. 12.—This case having come before the Supreme Court at Fort St. George, we have taken steps to make ourselves more fully acquainted with the facts; but in the meantime, we think it proper to call the attention of your Honourable Court to the questions which it appears to involve, namely, whether the subjects of an independent state can be subjected to the penalties of the law prohibiting the importation of slaves to a British port. Whether the subjects of the British government, (Dutch, Chinese, native Javanese or others) can, without a violation of the Act, carry their domestic slaves with them from island to island, or from port to port in the same island, such persons accompanying their masters as domestic servants, and not being intended for sale; and whether vessels, the property of British subjects, or of the subjects of independent states, are liable to seizure and confiscation in consequence of being navigated in part by slaves; these persons being in the character of mariners and not being intended for sale.

Par. 13.—Your Honourable Court must be sensible, that the decision of these questions will affect interests of the greatest importance, and that it is essential that an exposition of the law should be obtained as soon as possible, from the highest authority in England. We have received from his Excellency the naval commander-in-chief, an assurance that the utmost caution will be observed in enforcing the provisions of the statute; and we have the fullest reliance on the prudence and judgment of Sir Samuel Hood; but it is necessary that no doubts should remain on the subject, for any sudden attempt to break through a long established usage, would probably be resisted by the Malays and other inhabitants of the Eastern islands; and if these persons, whose ferocious and sanguinary character is notorious, should determine generally to retaliate for any real or supposed injury which they may suffer in the course of carrying on their accustomed trade, the consequences would be fatal to many innocent individuals, who would become the objects of their resentment. Every necessary measure has been taken by the government of Java, to make known to the inhabitants of the Eastern islands the prohibition which exists against the transportation of slaves to a British port; but some time must elapse before they can become acquainted with the humane and benevolent views of the British legislature; and a much longer time must elapse before they are likely to be reconciled to a law which will materially affect a commerce which they had hitherto carried on without the interference of any European power.

Extract of a Letter from the Governor General in council of Bengal to the Court of Directors in the Colonial Department; dated 8th January 1814.

Par. 22.—In our letters of the 2d January and 30th July last, we brought under the consideration of your Honourable Court some questions which had arisen relating to the Act of the 51st of his present Majesty, prohibiting the transportation of slaves by sea; and we now beg to call your attention to a representation on this subject, which has recently been received by us from the acting resident at Fort Marlborough. That officer apprehends that great inconvenience will be experienced from the operation of the Act, both by government and by individuals residing on the coast of Sumatra; and as it may be of importance that your Honourable Court should receive early information of the difficulties anticipated by the acting resident

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Cons. 24 Dec. N° 6 to 11.

in conducting the public business at Fort Marlborough, we have the honour to forward in the packet copy of his letter on the subject.

Par. 23.—We have received also from his Excellency the naval commander-in-chief the opinion of the solicitor of the admiralty on the proper construction to be given to the Act in question, in applying its provisions to cases occurring in the Eastern Seas, and as Sir Samuel Hood will no doubt be guided by this opinion, we have judged it proper to make an immediate communication on the subject to the different subordinate governments, in order that the inhabitants of the Eastern Islands may be apprised of the manner in which the Act is likely to be carried into execution by His Majesty's navy in India. We are persuaded, however, that the subject will attract the early attention of your Honourable Court, and that such steps will be taken by you, with relation to the Act in question, as the circumstances brought under your notice may appear to render expedient and proper.

Extract, Bengal Civil Colonial Consultations, 8th January 1814.

N° 17. Extract, Letter from the Lieutenant Governor of Java, dated Buitenzorg, 1st May 1812.

214.—The important subject of slavery, as it exists in Java, has occupied my most serious and anxious attention; and I have been desirous of pursuing the inquiry throughout the Eastern Islands generally.

215.—An interference in the regulations which have so long existed in Java respecting this mode of domestic servitude, is of so delicate a nature, and required so much previous inquiry, caution and discretion, that I have until this date delayed addressing your Lordship fully on the subject, fearful of hazarding either information or opinions not adequately mature to form the ground-work of innovation and permanent arrangement. On account of the nature of this question, it is my intention to address your Lordship in a separate dispatch; but if a further delay arises in its transmission, I trust your Lordship will rather ascribe it to my caution and anxiety to promote by effectual and permanent means the grand object in view, than to any inattention to the cause to which your Lordship has in such pointed terms done me the honour to direct my views.

216.—With regard to slavery as it exists in the other islands, I confess my incompetency at present to convey to your Lordship any adequate or satisfactory information, and the religion and habits of the numerous states are unfortunately so disposed to its encouragement, that I apprehend the evil can only in the first instance be partially removed, and finally extirpated by the gradual operation of the measures that may be adopted for their general civilization.

217.—Your Lordship is already informed of the duty on the importation of slaves having been doubled, and also of your wishes having been carried into effect by limiting the importation within the ages prescribed by the former obsolete regulations. Your Lordship will also observe on our proceedings, the interference on the part of His Majesty's navy in checking the importation under any circumstances; and although, as your Lordship will have perceived, I deemed it incumbent on me to communicate to Captain Sayer the reasons why I did not conceive the Acts of Parliament to apply under the present circumstances of the island, and the mode in which the traffic was carried on by neutral vessels, the occurrence will tend to prove how vigilantly alive we are on all hands to carry into effect, by every means that may be prudent and just, the intentions of the British legislature.

218.—Macassar and its neighbourhood may be considered as a principal source from which slaves have been exported; and without, in this place, entering into any discussion of the origin and causes of this state of society, which, in a general point of view, must be referred to backwardness of civilization and prevalence of native authority, it must be observed, that in consequence of its being the favourite source of revenue among those chieftains, it will require much delicacy and caution in attempting any measures to restrain where argument could be of no avail, and force would be inconvenient.

219.—In my instructions to Captain Phillips on his proceeding to Macassar, I directed his attention in a particular manner to this interesting subject; but I regret to find from his report that at present there is little prospect of his favourable interference. In short, he seems decidedly of opinion, that "as men-stealers are "very common over the country, if he prohibited their selling their stolen property "at Macassar, they would still carry on the trade in the Boui territory;" where, though

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though so immediately under the eye of the resident, the rajah would no doubt maintain his right equally with that which he exercises at pleasure of life and death.

220.—The native laws, usages and habits, regarding slavery, are in many instances so various and contradictory, and it is so difficult to trace them to any authentic source, that is universally admitted and acknowledged, that I am fearful but very little light will be obtained from them. Prisoners of war are in many cases considered as the property of the conqueror, and consequently sold as slaves. The families of criminals who may be executed for particular crimes, become likewise a droit of the chief; and in many cases criminals are pardoned on condition of being sold into slavery. Throughout the whole of the Eastern Islands, debtors become responsible in their services to their creditors, and it does not appear that there is any generally acknowledged law among them to prevent the chief of a family selling his wife and children in slavery. The desperate manner in which the Bugguese prows are known to defend themselves at sea, is accounted for by the numerous crew, who are all separate adventurers on a borrowed capital, having left their families hypothecated for the debt, who become slaves to the creditor in the event of the debtor parting with the property under any circumstances without his life.

221.—The above may be considered as the principal cases in which slavery may possibly be viewed as legal in the Eastern Islands; and it must be evident to your Lordship, that whatever measures are pursued without Java, must be of very gradual operation. A decided influence with the native chieftains seems absolutely necessary as a preliminary, and as that influence can only be obtained by friendly communication and personal intercourse, it will, I fear, be many years before the evil can be effectually eradicated. I do not, however, by any means despair of enabling your Lordship at an early period to effect in a considerable degree this grand object of amelioration.

Extract, Bengal Civil Colonial Consultations, 17th October 1812.

Government of Java to the Right honourable Gilbert Lord Minto, Governor General, &c. &c. &c. Fort William.

N° 7.

My Lord:—The instructions left with me by your Lordship on your departure from Java, on the subject of slavery, have occupied my most serious and unremitting attention, but I have not until this date felt sufficient confidence to enter upon so delicate and important a subject, and it is even with much diffidence and hesitation that I now venture to submit my sentiments thereon to your Lordship's consideration.

2.—The order of your Lordship, under date the 18th of October last, may be considered either as it relates to the slaves appertaining to government, or to those belonging to individual inhabitants of the island; and as that order does not appear to include slavery as it may generally exist throughout the other Eastern Islands, I shall in this address confine myself to those two descriptions of slavery.

3.—With regard to the government slaves, it may be satisfactory to your Lordship to know that the number is extremely limited, not exceeding 281, who were obtained and are disposed of as follows:

Eighty-four attached to the government house and grounds at Buitenzorg, who have been for many years resident, and those under the age of fifteen, mostly born there. These persons are exclusively employed as domestic servants, and are better provided for in every respect than they possibly could be, according to my estimate of their services as freemen, being allowed in common with the other slaves taken over from the late Governor General, and according to a long established usage, a very liberal provision of food and raiment, and equal to the customary pay of a common labourer for pocket money.

Of the same class, and under the same favourable circumstances, may be considered the slaves transferred from General Janssens, as having been the private property of the former governor generals, amounting in number to thirty-two. To the above may be added the number of eighty-four, taken over by government from the late minister at Soura Carta, for the reasons stated in the accompanying extract of a letter from Colonel Adams, and on the same principle as those from General Janssens, namely, to prevent their being otherwise exposed to public sale.

4.—The whole of the above slaves are particularized in the statements which I have the honour to inclose, from which your Lordship will obtain every information respecting their age, value, and respective occupations, the whole of which,

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with one or two exceptions, as far as regards the persons engaged in collecting the bird's nests at Soura Carta, are exclusively employed for domestic purposes, and if offered their liberty would not find it worth while to accept it; and when it is considered that they are for the most part under the immediate eye of the superior authority on the island, it may easily be conceived that their situation, for persons of that condition of life, is rather to be envied than commiserated; and that the throwing these people on the world by an unlimited emancipation, would rather have the effect of discharging old and trust-worthy servants, than be considered either as an immediate or eventual benefit to the parties interested.

5.—But there is another class of slaves belonging to government, fortunately but few in number, which may deserve more particular notice, and these are employed in the departments of the magistrates and master attendant; with the former there are twenty-seven, and with the latter fifty; and these, with those above enumerated, and three others that have lately been taken over by Major Yull at Bantam, on the removal of Pangeram Achmat, constitute the whole number of the government slaves in Java.

6.—The condition of the last-mentioned description, is the only one among the Company's slaves, or indeed among all the slaves in the island, of labour; for which, however, it may be stated, that the parties enjoy a remuneration equal to that of common labourers, without the uncertainty and precariousness of employment, as they draw from the public stores a most liberal allowance, not only of rice, but of coffee, spirits, and other comforts, and also an allowance in money per month.

7.—The reason assigned for the employment of slaves in these departments, is that of the impossibility of procuring ordinary labourers to be commanded at all hours and on all occasions, and for all purposes; and that the general unhealthiness of Batavia in those situations in which they are employed, is so great, that free coolies are neither to be procured or depended upon for a day, and necessity alone seems to be the plea on which they are so maintained.

8.—There does not, however, in the above arguments, appear to me sufficient evidence of the necessity of continuing this establishment, as it may certainly be superseded by a more liberal allowance being granted to ordinary coolies employed in such situations, and the adoption of such police regulations as may place a portion of the labouring class, by contract or otherwise, more at the immediate command of the public departments than at present.

9.—Considering also that a larger proportion of the labouring class will exist in Batavia, when their place in the suburbs and environs may be supplied by a proportion of convicts from Bengal, which I trust will not be delayed, I am induced to recommend to your Lordship the immediate emancipation of the whole of this class of labouring slaves, who are enumerated in the list I have the honour to inclose, and anticipating your Lordship's intentions on this head, I shall take measures for their removal by degrees.

10.—With regard to the further importation of slaves, your Lordship is already informed of the duty having been doubled, and the importation limited to the age of fourteen, and further checks will be gradually imposed.

11.—In compliance with your Lordship's wish to be furnished with a report on the laws concerning slavery, the attention of Mr. Muntinghe and Mr. Cransin as presiding over the judicial and police administrations of Batavia, has been particularly directed to the subject; but the various clauses occasionally introduced in different legislative provisions of a general nature from the first establishment of the Dutch in the East, to the period of our arrival, must be so numerous and dispersed, while many regulations of an inferior nature have naturally grown into a generally acknowledged law, from long custom and usage, that it would be difficult to frame what might be officially termed a collection of all the laws concerning slaves; and the last abstract of the same which appears to be generally referred to as a criterion, will, I trust, with the advantage of reference to the Batavian statutes already transmitted, afford your Lordship the principal information desired; the compilation will, however, be sent as early as possible.

12.—The Dutch law being blended with the Roman, and the colonial law founded on both, slavery has been fully recognized as legal by the European government, while the universal prevalence of Mahometanism renders it legal with every native administration, and as such, it appears without any occasional difference of opinion, to have been always considered.

13.—Slavery, however, on the island of Java, is to be considered as exclusively confined to domestic purposes, and may be viewed rather as a regulated domestic servitude than that detestable system which the legislature of Great Britain have, to the credit

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credit of humanity, so vigorously suppressed in the West Indies. Slavery, however, under any shape, or if it bears only the name, is so repugnant to every principle of enlightened administration, and so inconsistent with your Lordship's benevolent plans, that I fear I should not stand excused in my defence of such a system under any modifications or circumstances whatever.

14.—It is incumbent on me, however, to represent to your Lordship, as nearly as it may be in my power to explain the same, the exact situation of the slaves on this island, the necessity there appears to have been for the introduction of the system as well as for its continuance, and to suggest such alterations in the present code, on the principles directed by your Lordship, as local information and experience may dictate.

15.—By the returns which are herewith transmitted, your Lordship will observe that the number of slaves, exclusive of those belonging to government, is as follows:

At Batavia and its environs, &c. - - - -	18,972
In the Samarang division - - - - -	4,488
In the Sourabaya division - - - - -	3,682
Making the total number - -	27,142

Who belong to individuals, principally Europeans, as possessing, on account of their means, the largest number, although the smaller may belong to more numerous owners, among Chinese and others; and with a view to the revisal of the present regulations, I request to submit to your Lordship's consideration the following observations on the most important articles.

Article 1st.—Restricting the importation within the age of 14 years.

This Regulation which stands foremost, appears to have been the least attended to, and at the period of the establishment of the British Government, may be considered to have become entirely obsolete.

It has however been again enforced under the instructions left by your Lordship, and will be rigorously adhered to.

The beneficial effects of this regulation, if slavery is to be admitted at all, are too obvious to require particular explanation, and must be applauded, as having had for its object the exclusion of that condition, which constitutes the greatest severity of slavery, namely, the subjection of mankind after their ideas, habits, and attachments are formed, and limiting the introduction to that period of life, when the change cannot be felt, and the misfortune is not remembered.

3d.—The number of slaves imported to be mentioned in the vessel's pass.

This Regulation, which was no doubt good, alludes to a period when the whole Archipelago was organized under the respective factories, but has long been obsolete.

4th.—Prohibiting the importation of slaves, the subjects of the king of Spain.

This Regulation applies under the present circumstances of the island, and will of course be enforced under the British Government.

6th.—No christians are permitted to sell their slaves to Moors or Heathens.

7th.—Obliging christians to baptize and initiate their slaves in the christian religion, but without compulsion.

8th.—Slaves of Heathens and Mahometans adopting christianity, may claim the right of being transferred to christian masters.

These salutary provisions speak so strongly for themselves, that it is hardly necessary to offer any argument in their favor. But it is to be regretted, that they have in a great measure been neglected; and that the intriguing Mussulmen priests have insinuated themselves among the slaves of most European families. The revival and enforcement of these regulations will no doubt, be directed by your Lordship in council; and I shall in this persuasion, inform myself of the most effectual measures for placing them on a footing not to be again neglected.

9th.—Prohibiting slave children belonging to christians to be circumcised, under pain of forfeiture, and a severe penalty against the offender.

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10th.—Masters to give notice to the officers of justice on occasion of confining their slaves.

There does not appear to be any necessity for a higher authority vested in the master of the slave than of an apprentice, and in the publication of revised regulations, due provisions can easily be made for the interference of the magistrate, and the prevention of cruelty in masters.

11th.—Authorizing domestic chastisement to a certain extent.

12th.—A slave dying from chastisement, the master, according to circumstances, being liable to corporal punishment.

This clause appears to demand revision, but it is conceived may be superseded by the regulation which restricts the extent of punishment vested in a master as head of a family.

13th.—Against buying slaves privately.

14th.—Complaints of slaves to be examined into, but if found ungrounded, the complainant to be punished.

These clauses, if enforced, must have a beneficial effect; but it may be apprehended, that the door is not always sufficiently open for complaint in the latter case; and such additional provision as may tend better to ensure the slave being heard, may be advisable.

15th & 16th.—Relative to the emancipation of slaves who have performed certain signal services to their masters.

From every information which I possess, this regulation is adhered to as an established custom.

17th.—Slaves guilty of insubordination, to be chained and whipped.

18th.—Slaves laying violent hands on their masters, to be punished with death.

These laws for insuring subordination, appears to be indispensable wherever slavery exists; and although the mild system which is yet tolerated in Java, might seem to obviate the necessity of such exclusive laws, it is to be considered that the slaves in general, are led to the good conduct which universally characterises them on this island, in a certain measure, by this long established law, and that any sudden alteration therein, might lead to the most serious consequences, considering the proportion which their numbers bear to the European population.

35th.—Executors of estates cannot sell a female slave, having had a child to her late master.

36th.—Children descended from Europeans by slaves, to be educated in the Protestant faith.

37th.—Prohibiting voluntary slavery.

These clauses are dictated by the proper principles of humanity, and the subsequent articles as far as 65, inclusive, though in a great measure in disuse, may be considered, from their existence, to have a very beneficial effect in the maintenance of the police.

66th, 67th & 68th.—Prohibiting slaves from disposing of their estate.

These articles would seem to infer, that a slave in Java possesses the right of property, which once unquestionably established, which it is conceived it may be without much danger, the most effectual means for effecting his emancipation may, by proper regulation, be placed within his reach.

73d to 88th, inclusive.—Stipulates a small fee requisite on the emancipation of slaves, and other regulations for such cases.

This fee, and the other provisions contained in these clauses, serves to form a fund, as your Lordship will perceive, for the maintenance of such emancipated slaves, as by distress and old age, may require public provision; and though certainly a check to indiscriminate emancipation, affords a corresponding benefit, while the other various regulations are most wholesome for the emancipation of slaves, which I would recommend being continued nearly as they stand.

16.—The remaining clauses appear to contain equally salutary regulations for insuring the good treatment of the slaves, and I am satisfied that your Lordship will observe with pleasure throughout the whole, a tendency to secure to the slave every

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every possible right and claim which in that condition of society he can with safety be allowed to enjoy; and in suggesting to your Lordship's consideration any alterations, I think it is but justice to the Dutch regulations, to submit them rather as improvements than as innovations.

17.—Although with the exception of a few unnecessary and obsolete regulations, the colonial statutes respecting slavery seem to be framed on the principles of humanity and with attention to the christian religion, yet in consequence of the supplementary force of the Roman law in the Dutch system of legislation, there appears to be one capital defect in the laws regarding slavery, viz. that a slave is considered as a real property, incapable of personal rights, from which consideration the ill treament of a master towards his slave is not so much estimated by the principle of personal injury, as that of a proprietor abusing his own property; and although a slave under this principle may possess and obtain a portion of property for himself with the consent of his master, his possession is always precarious, and his property is removable at the discretion of the proprietor (in the same manner as a *peculium adventitum* with the Romans), and becomes only the unlimited property of the slave, if the master allows him to keep it after his emancipation.

18.—It is known that the earlier rigour of the Roman law has been considerably mitigated in latter times, and particularly that the crime of the master attempting the life of his slave, has been declared murder by the *Lex Cornelia de secarus*, and punishable accordingly; but notwithstanding this mitigation, the general principle that a slave was an article of real property and incapable of personal rights, has never been done away.

19.—Considering however that the civil law is only a supplement of the positive law continued in force in this colony by your Lordship's proclamation of the 11th September 1811, it is conceived, that consistently with the other parts of the legislation, the code respecting slavery might, without difficulty, be amended and brought back to the principles of humanity and good sense, by a declaration, that slaves in future shall not be considered as objects of real property, but as objects possessing personal rights, and bound only to unlimited service, and that in consequence thereof, slaves on their first importation, as well as afterwards, shall never be transferred from one master to another, but with their own consent, given before witnesses, a magistrate or sworn notary public, that a master shall possess no other power over his slave, than to exact service in an equitable manner; that his chastisement shall never extend beyond a domestic correction, of the same nature as would be given to his children or common apprentices; that all personal wrongs done to a slave, either by his master or by others, shall be estimated by the common rules of personal injuries, and not by the principles of a proprietor abusing his own property; that the punishment for murder committed by a master on his slave, shall be the same as that of murder committed on a free person, that every slave shall have a right to acquire property of his own, by his private industry and labour, or by the bounty of others; that this property shall never be removable at the discretion of the master, except in the case when it proceeded from his liberality, and that the slave proved afterwards ungrateful; that by this property the slave shall always have a right to redeem his own liberty, after having continued with his master for the term of seven years, and on paying the sum, which on estimation, subject to the approval of the magistrate or court of justice, shall at the time being, be thought an adequate equivalent for his future services.

20.—These appear to be the fundamental alterations which may be made in the present code, and which, if carried into effect, will decidedly do away every thing that is essentially obnoxious, and leave perhaps to the European inhabitants of Java, a well regulated system of domestic servitude; while the several minor provisions which will naturally flow from these principles, may be expected to give to the servant, every freedom and personal right which persons in that condition of life, considering their backwardness in civilization, can, without danger, be intrusted with.

21.—Hitherto it has been the practice for masters at their pleasure, to dispose of their slaves in the same manner as other real property by public auction; and slaves are in like manner sold to pay the debts of their deceased masters. Under the improvement suggested, they will no longer be saleable, but yet transferable and hereditary property, a great change in condition of the slave, but making little difference to the master.

22.—I have already had occasion to notice, that slavery on the Island of Java, was to be considered as exclusively confined to domestic purposes; with the view of insuring this for the future, it may be advisable in revising the code, to make a

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provision, that in cases where slaves may be employed in agriculture or labour, or otherwise than in strictly domestic purposes, the master shall be obliged to pay them the same daily wages as are paid to free labourers.

23.—It must be observed, that on the establishment of the Dutch in the Eastern Islands, there did not exist any class of persons of the same description as those found in Western India, calculated for domestic purposes. The native courts and chiefs in Java, and in the Eastern Seas, though in many cases powerful, and of ancient date, are so far removed from civilization, that the comforts to be derived from the attention of domestic servants, are unknown to them. The Dutch therefore had to create a class of domestic servants, and in doing this, they adopted the plan of raising children in their families from other countries, in preference to those in their immediate neighbourhood, who, from their connections and the habits of their relatives, could never be depended on.

24.—It is not for me to say, whether this system was either necessary or proper, it may be sufficient to state, that it has been uniformly persevered in, and that on the arrival of the English, there was no class of domestic servants in Java, but slaves thus reared in the families of the Dutch. There are many of these who have been emancipated by the masters, and who occasionally hire themselves out to strangers, but they are little to be depended upon; the sudden change of condition from actual slavery to unlimited freedom, has no doubt, in many instances, tended rather to destroy than improve the morals; and it is rather to the gradual and slow operation of a change in the general condition of the slave, that we are to look forward to for benefit, than from any partial or immediate emancipation.

25.—Slaves born in the house of a Dutch family are treated with particular attention, they are termed *Anac Mas*, as a name of distinction, and where there numbers are not great, and the condition of the master admits, they are generally emancipated; instances are not unfrequent of these children being endowed with large sums, and in all cases it seems to be considered as a sign of poverty or meanness in the proprietor when such children are not emancipated.

26.—The establishment of the British interests in Java, has fortunately given rise to another class of domestic servants. The numerous officers of the army and others whose funds did not admit, and whose temporary residence did not require, a permanent establishment of servants, have, to avoid the expense of purchasing slaves, taken many Javanese into service, who, though in the first instance, generally unfit for the duties, are gradually improving, and by the example of the higher officers of government in encouraging free servants in preference to slaves, promise, at no very distant period, at least to provide numbers for domestic servitude without any material importation of slaves.

27.—It deserves to be noticed, that no Javanese are slaves, and that the whole of the slaves alluded to in Java, are natives of the other Eastern Islands, principally the Celebes and Bali. With the Javanese themselves, slavery as so denominated by us, is unknown; but the degraded state in which the whole of the lower class of the native inhabitants on the island have hitherto been held, cannot but be considered as a still more abject state of slavery, and subjection to their immediate superiors.

28.—As far as my present experience enables me to judge, I am happy to report to your Lordship, that the improvements which I have now suggested in the code respecting slavery, may be made without any opposition or serious objection on the part of the Dutch inhabitants, and I in consequence hope that it will be in my power, at an earlier date, to carry the same into effect. Desirous however on so delicate and important a question to obtain all the information, and to foresee all the objections that may arise, previous to adopting any decided measure which will occasion so material a change on the real situation of the slave, prudence may render it necessary that a further period should elapse before the intended revision of the code takes place.

29.—Your Lordship will have perceived on reference to our proceedings, that an annual tax of one Spanish dollar has been levied on slaves with the view of providing an adequate fund for the different pensioners who have claims on the humanity of the British government; this tax, with the heavy duty levied on importation, which amounts nearly to an absolute prohibition, has already materially advanced the value of slaves on the island, and must consequently tend to better their condition, inasmuch as it gives the proprietor a greater interest in the welfare of the slave.

30.—Conceiving that I have now, with the general view of slavery in the Eastern Islands, taken in the concluding paragraphs of my despatch of the 1st of May, complied as far as circumstances at present admit, with your Lordship's instructions on this

this important point, I have to solicit your indulgence in the event of the inferences I have drawn, or the opinions I have formed, being considered incorrect, and I shall await with considerable anxiety the intimation of your Lordship's wishes with regard to the suggestions which I have ventured to make, and which I shall provisionally adopt according to circumstances; while on the one hand, I have been anxious to give to the native inhabitants of the Eastern Islands, and to the world in general, a testimony of your Lordship's benevolent intentions, and of your abhorrence of that odious system of slavery which is destructive of the first prerogative of man, I trust that I shall not be thought altogether to have neglected the rights of private property, or the advantages which this island enjoys in its police and domestic comforts from a well regulated system of domestic servitude. The improvements which I have suggested, I am confident may be effected by the local government; and hereafter I feel no doubt but other arrangements and regulations arising from the same principles, may eventually avert every end of slavery, and establish one of the most convenient and beneficial systems of domestic servitude, advantageous alike to master and servant, that is known in any dependent colony of such importance and extent. I have, &c.

Samarang, 13th June 1812. (signed) *T. S. Raffles.*

N° 8. Enclosure.

LIST of Enclosures in the Letter to the Right Honourable the Governor General; dated 13th June 1812.

N° 1.—List of government slaves at Buitenzorg.
2.—List of slaves at Residency of Soura Carta.
3.—Extract of a letter from the Resident of Soura Carta.
4.—List of the government slaves at Batavia.
5.—Number of male and female slaves, including children in possession of individuals, as furnished by landroits and other authorities.
6.—Abstract of laws and orders respecting slavery.

Samarang, 13th June 1812. (signed) *T. S. Raffles.*

1.—LIST of GOVERNMENT SLAVES at *Buitenzorg.*

N° 9. Enclosure.

	NAME.	OCCUPATION.	AGE.
MEN	Trim	Musicians	22
	Ledya		19
	October		18
	Solon		23
	Bassans		21
	Blakang		18
	August		23
	Philiss		24
	Azore		19
	Renday	Servants in Waiting	20
	Mentor		20
	Terdatis		36
	Mingo		33
	D'Aman		40
	Homer		28
	Passap		40
	Plato		18
	February		20
	Penalty		27
	Panto		21
	Maroussee		24
	Rippont		18
	Solong		22
	December		40
	Kemise		30
	Slamat		28
	Banton		24
	Cæsar		24
	Tannary		14
	Adonis		11
	Adonis		15
	Baugausse		12
	Batjo		10

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List of Government Slaves at Buitenzorg— *continued*

	NAME.	OCCUPATION.	AGE.
MEN	Mingo		45
	Nousa		22
	Alexis		34
	Bandjar	Cooks	28
	Tung		28
	Primo		16
	Mingo		36
	Indee	Baker	28
	Aleppo	Washerman	26
	Tung		40
	August	Farriers	29
	Senen		33
	Philip		40
	Bandou	Coachmen	33
	Kada		26
	Panyanan	Cowkeeper	39
	Tenon		18
	Taumat		22
	Bokkel	Grooms	22
	Appol		17
	Souket		17
	Tiela		19
	Batjo	Sadler	24
WOMEN	Sitie		32
	Melati		40
	Bitja	Sempstresses.	20
	Menon		22
	Philis		28
	Kenangan		45
	Amelia		40
	Meretiara	Laundresses	42
	Asia		24
	Koping		16
	Mida		28
	Rampa		19
	Manbetja		45
	Manis		20
	Meda	Waiting Women	28
	Olinda		40
	Mina		22
	Minerva		24
	Atteya		11
	Ceres		36

Children under Eight Years of Age.

BOYS	Mart.	Sawart.
	May.	Stingawan.
	Bitjo.	
GIRLS	Minerva.	Rohaya.
	Adjeja.	Raja.

(A true Copy.)

(signed) *Tho' O. Travers,*
Assistant Secretary to Government, Military Department.

2.—LIST of SLAVES, Men and Women, by Families, with their Age, Price, &c. Residency Saura Carta.

	Age.	Rix Dollars.	Rix Dollars.
Poesa, a cook; cooks only for the Soosoohaenan and Crown Prince Cannang	38	800	
His wife, sempstress and housemaid	31	400	
Two children; Oetsing 11 years; Salima	3	100	
			1,300
Joseph, cook	72	- - -	250
Oentong, baker	52	- - -	450
Kotya - d°	28	- - -	450
Fortuyn, confectioner	40	- - -	450
Bentok (or Orpheus), master of the band, and keeper of the birds' nest room	45	850	
Bitayar, his wife, sempstress and ironer	43	350	
Two children; Dull 4 years; Amida	1	100	
			1,300
Hargoo, 1st violin, alt, bassoon and French horn	47	- - -	550
Salassa, clarionet and drum	29	- - -	650
Museat, trumpet, French horn and drum	45	500	
Naissa, his wife, sempstress and stocking knitter	37	450	
One child, Joile	13	100	
			1,050
April, a flute and clarionet	25	550	
Jasmie, his wife, knitter and housemaid	23	350	
			900
April, French horn; also cuts hair	35	500	
Sophia, his wife, ironer and knitter	29	350	
Angelier daughter, knitter	10	200	
Three Children; Babie 7 years old, Saradeen 4 years, Boesack	6	200	
			1,250
Compass, flute and clarionet; also violin and alt	52	500	
Jonkin, his wife, embroiderer and sempstress	45	500	
Bityoe, an excellent flute, their son	26	600	
A little boy, another son	4	50	
			1,650
January, a bassoon	40	- - -	450
Barsa, 2d violin, beats the long drum	27	- - -	450
Maart, ditto, cymbals, and plays the alt	22	- - -	450
Ager, French horn and triangle	14	- - -	500
February, 1st violin	17	- - -	450
Saptoe, flute and triangle	14	- - -	450
Adonis, cymbals	13	- - -	450
April, turkish half moon	14	- - -	450
Cadyang, kettle drum	16	- - -	500
Isaac, steward	68	500	
Izindil, his son, postillion, and beats the drum	22	350	
Tatil - - - - - - - d°	25	350	
Taptoe - - - - - - d° also a tailor	20	350	
			1,550
Cupido, takes care of the lamps	28	350	
Castorie, his wife; takes care of the silver things, fruits, &c.	45	350	
Damon, her son, house servant	26	250	
			950
Snaphaon, butler, takes care of wine for immediate use	32	350	
Tyindana, his wife, sempstress and ironer	28	300	
Corocs, their daughter, knitter	14	150	
Paetrie - - d°	7	100	
			900
Marga, head coachman and head of the stables	42	600	
Sulatrie, his wife, sempstress and knitter	43	350	
Tyiendra, Marga's mother, ironer	65	150	
			1,100

(continued.)

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List of Slaves, Men and Women, by Families, with their Ages, Price, &c.—*continued.*

	Age.	Rix Dollars.	Rix Dollars.
October, coachman	52	350	
Diana, his wife, sempstress and housemaid	28	300	
			650
Uil, coachman	30	400	
Aurora, his wife, sempstress and knitter	25	300	
			700
Geluk, a complete coachman, and used to be in charge at Ampul	66		600
Roepa, taylor	40	500	
Amarantha, his wife, overseer of the slave girls, sempstress, knitter and chambermaid	30	400	
Two children; Rammin 4 years old, and Tiza	1	100	
			1,000
Mentor, taylor	55	600	
Montiana, his wife, knitter and housemaid	45	250	
Flora, their daughter	20	200	
Silie - - d°	16	200	
Bibza - - d°	12	100	
Two children; Saima 9 years old; and Abusa	2½	100	
			1,450
Pallant, washerman and house servant; a Surat man	28	350	
Fyitzie, his wife, sempstress, and takes care of the candles (dead)		250	
Two children; Claagie, son, 11 years old, and Bitza, their daughter	8	150	
			750
Primo, house servant and candle maker	25	350	
Patyar, his wife, tea maid and sempstress	42	300	
			650
Indo, a cook woman	50	200	
Galatia, her daughter, sempstress, knitter and housemaid	15	250	
			450
Mida, a complete embroidress	55		500
Rositta, sempstress, knitter and housemaid; also her daughter, a little girl	31		300
Neckie, a trusty servant, plays the flute	35		350
Bailie, gardener	45		300
Appol, cleans copper ware	52		250
Agenor, Palamedes, Kialo, - - } Gatherers of birds' nests at Carrambollong, and sorters of it at the Residency.	75		250
	40		750
	38		750

Residency, Soura Carta, 12th June 1812.

(signed) *Alex^r Adams*, Resident.

N. B.—There being no List of Ages given with the Slaves, these are taken from their own account, and in many instances I imagine are incorrect, from appearances, but I have no means of making it more correct.

(A true Copy.)

(signed) *Thomas O. Travers.*
Assistant Secretary to Government, Military Department.

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N° 11. Enclosure.

3.—Extract of a Letter from the Resident at Soura Carta; dated 29th November 1812.

To the Right honourable T. S. Raffles, Esq. Lieutenant Governor, &c. &c. &c.

Honourable Sir:—I have the honour to inclose you a detailed list of the houses, plate, furniture, slaves, and other articles, which I have considered necessary to take from the late minister here, Mr. Van Braam on receipt, on account of the British government of Java.

It is not easy in a letter to state clearly and satisfactorily the reasons which have induced me to step beyond the precise limit of my instructions to take the house, and such furniture as might be absolutely necessary, and to take upon myself the exercise of a discretionary power, which, I trust, I am not wrong in supposing myself to be invested with, on unforeseen circumstances, where a decision must be made before the orders of government, founded on immediate information, can be known. I hope at all events to escape censure, as from the arrangement, Mr. Van Braam has very liberally acquiesced in, such articles as government may decline taking are to be returned or accounted for to his agent at this place.

Nothing could be further from my wish or intention, on setting off for this place, than to burthen government or myself with a cumbrous or expensive establishment; and nothing would have induced me to do it, but my being struck with the necessity of keeping up, with respect to the Emperor, the same state and distinction he was used to be received with, and attended on by the Dutch ministers at his court; and as every part of the expense I have incurred for the public, is directly or indirectly intimately connected with that, I conceived I should ill represent the British government, did I not at all events give it an opportunity of keeping it up; I may add, that was this establishment, particularly the slaves, once given up, it would be impossible nearly to replace it. Almost every one of the individuals composing it (except the children) have been here for many years, transferred from one Resident to another; are trust-worthy with respect to the valuable articles which are always, in some degree within their reach; are accustomed to the forms and ceremonies used amongst the Javanese, which no hired servants I could procure, are; and are in short an establishment made complete within itself for all the purpose of the reidency, both for shew and use. The band of music in particular, though certainly much improved by Mr. Van Braam's own skill and attention, has long made a part of the attendance of the Emperor whenever he appears in public, either in the palace or at other places. As a proof of the difficulty, if not impossibility of keeping up any proper establishment here without slaves, I may add, that no sooner was Mr. Van Braam out of the house yesterday, than all the helpers in the stables who were freemen deserted at once.

I have, &c.

(signed) *A. Adams*, Resident.

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N° 12. Enclosure.

4.—LIST of the GOVERNMENT SLAVES at *Batavia.*

NAMES.	Place of Nativity.	Age.	Calculated Value.
At the Wharf under the Master Attendant.			
CAULKERS:		*Years.*	*Spanish Dollars.*
Bredien	From Omrust	35	38 ½
Pakada	Mandaar	40	38 ½
Tjampay	Boegies	30	15 ½
Monjet	Baly	25	15 ½
Amirolla	Boegies	30	7 ¼
Sanpaljie	D°	25	31
Tas	Bengal	Superannuated.	
Felix	Batavia	25	38 ½
Ontong	Bima	30	31
Tala	Timor	26	31
Palang	Sumcara	30	31
Batjo	Termaten	35	23
Touman	Boegies	40	23
Saleba	D°	25	23
Sinjy	Baly	25	23
Mingo	Macassar	Very old.	7 ¾
Radja	Boegies	45	23
Foeraja	Foeraja	50	15 ½
FIRE ENGINE MAKERS:			
Sampok	Boegies	25	38 ½
Leander	Macassar	36	31
Inde	Inde	36	23
January	Boegies	40	15 ½
Sunpaar	Mauder	25	31
Coerves	Omrust	40	15 ½
Soamba	Soamba	40	15
Taemat	Boegies	30	31
* At the Powder Mill.			
MILL BUILDERS:			
Bona	Boegies	40	31
Laupa	D°	30	38 ½
Camrassetoca	D°	30	38 ½
Capana	D°	30	46
Pranu	D°	20	38 ½
STONE CUTTER:			
Primo	Boegies	20	46
SMITHS:			
Tanpisang	Boegies	20	46
Grelabatoe	Baly	25	38 ½
COOPER:			
Timpee	Macassar	20	46
POWDER MAKERS:			
Lata	Boegies	40	38 ½
Sandee	D°	35	38 ½
Kata	Macassar	45	31
Sumba	Timor	50	15 ½
Manja	Baly	20	46
Jamatkitjil	Boegies	25	23
Bengale	D°	30	38 ½
Lerrah	D°	30	31
Batjo	D°	35	38 ½
Bodoe	D°	35	38 ½
Tyampo	D°	40	38 ½
Lada	D°	30	31
Batjo	D°	40	31
Surkaro	D°	30	31
Lampe	D°	30	31
Tjoema	D°	50	15 ½
Preira	D°	30	31
Tanga	D°	35	31
Goeling	D°	30	38 ½
Batjo Gemok	D°	25	38 ½
Seram	D°	20	23

* The establishment at the Powder Mills having been discontinued, the men are generally employed under the Magistrates.

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NAMES.	Place of Nativity.	Age.	Calculated Value.
		Years.	*Spanish Dollars.*
Harsam or Macassar - -	Boegies - - -	25	31
Kajenia or Tjambang - -	D° - - - -	35	31
Benting Bima - - - -	Bima - - - -	30	31
Janara - - - -	D° - - - -	25	31
Sila - - - - -	D° - - - -	30	31
Sitjie - - - - -	D° - - - -	25	38 ½
Tolla - - - - -	D° - - - -	30	23
Stadthouse			
PRINTERS and LABOURERS.			
Batjo - - - - -	Macassar - - - -	Very old.	
Mingo - - - - -	Mandar - - - -	40	31
Rajang - - - - -	Boegies - - - -	25	38 ½
Dalang - - - - -	Macassar - - - -	35	31
Malanie - - - -	D° - - - -	40	23
With the Superintendent of the Stadthouse.			
Timor or Timbol - - -	D° - - - -	40	23
Préira - - - - -	D° - - - -	25	31
Tameota - - - -	Boegies - - - -	50	7 ½
Galang - - - - -	D° - - - -	25	31
Tona or Toa - - - -	Balis - - - -	30	31
Poeassa (died) - - - -	Batavia - - - -	20	38 ½
Saja (woman) - - - -	Sumbaria - - - -	40	31
On the House of Correction for Women.			
Tonnery } women - - -	Boegies - - - -	40	31
Plopong }	D° - - - -	30	38 ½
	Spanish Dollars - -	- - -	2,267 ½

These Slaves have already been counted and ascertained, on the 12th October l. p. by a committee from Shepenen in the presence of the underwritten, and valued by the Srronn Appraiser.

Batavia, 20th January 1812 (signed) *A. Tonghind.*

(True Copy.) (signed) *A. Alexander*, Magistrate.

The paper dollars may be calculated at 6 ½ paper for one Spanish dollar silver.

(A true Copy.) (signed) *Tho' O. Travers,*
Asisstant Secretary to Government, Military Deparment.

5.—NUMBER of MALE and FEMALES SLAVES, including Children, in possession of Individuals as furnished by Landroits and other Authorities.

N° 13. Enclosure.

Districts and Places.	Males.	Females.	Children.	TOTAL.
Batavia - - - -	8,490	7,939	1,683	18,112
Bantam - - - -	30	36	7	73
Bandong - - - -	52	35	17	104
Bangervangee - - -	18	44	21	83
Buitenzorg - - - -	152	188	25	365
Cheribon - - - -	100	110	30	240
Crawang - - - -	20	30	10	60
Djoijocarta - - - -	33	44	- - -	77
Damak - - - -	3	- - -	14	17
Gressee - - - -	249	322	185	756
Jopara and Johana - -	88	175	87	350
Passourouang - - -	129	170	56	355
Paccalongang - - -	59	99	23	181
Rembang - - - -	118	142	50	310
Samarang - - - -	1,153	1,442	498	3,093
Samanap - - - -	183	175	38	396
Saurabaya - - - -	571	681	840	2,092
Soura Carta - - -	86	129	41	256
Tjandjore - - - -	7	9	2	18
Tagal - - - - -	72	108	24	204
Total - -	11,613	11,878	3,651	27,142

Samarang, 13th June 1812. (signed) *T. S. Raffles.*

Bengal Papers: State of Slavery in Company's Territories.

N° 14. Enclosure.

6.—Translation.—Abstract of Laws and Orders respecting Slaves and Slave Trade, existing under the former government assembled, and formed into a Code of Regulations.

Act 1.—Eastern slaves to be under 14 years old, on importation. Punishment established for persons importing or purchasing slaves above that age.

2.—Commanders of vessels having slaves on board, under 14 years, belonging to the crew of their ship or vessel, to report the same to government.

3.—All slaves imported, must be mentioned in the pass of the vessel.

4.—Inhabitants prohibited from purchasing subjects of Spain as slaves.

5.—Prohibitory regulations respecting importation of slaves to certain places.

6.—Christians not permitted to transfer their slaves to persons who are not christians.

7.—Slaves shall be instructed in the principles of the christian religion, if they can be prevailed upon.

8.—Slaves, the property of the Mahometans or Pagans, shall be sold to christians, whenever they become christians themselves.

9.—Circumcision of slaves prohibited.

10.—Whenever it may be found necessary to confine a slave, notice thereof shall be given to the magistrate.

11.—Also, whenever they are to be chastised.

12.—Punishment for persons killing a slave, the parents and children of the deceased to be sold, if the property of the same master.

13.—No slaves to be buried without previous information.

14.—Slaves permitted to complain of cruel usage; but they shall be punished whenever such accusation is proved ill founded.

15 & 16.—Slaves saving the lives of their masters or master's children, shall be emancipated free of expense.

17.—Punishment to be inflicted on slaves offending their masters.

18.—Slaves endeavouring to murder their masters, to be sentenced to death.

19.—Whenever a slave injures any person without the concurrence of his master, such slave shall, if required, be sold to the person injured.

20.—Runaway slaves shall be put in irons.

21 & 22.—Nobody is permitted to detain or conceal slaves the property of others.

23 & 24.—But shall give notice of the place where such slaves are concealed.

25.—The commissioner of native affairs is empowered to make persons guilty of the above, to pay a certain fine.

26.—He shall in concurrence with the native chiefs, cause such slaves to be apprehended, and is entitled to a fee for every slave arrested.

27.—Proprietors are authorized to claim the slaves 14 days after their being arrested, on paying the above fee.

28.—But such slaves shall be put in irons for six months, after the restitution.

29.—The above regulation to extend to slaves apprehended at Cheribon.

30 & 31.—On refusal to pay the above fee, the slaves arrested, shall be sold, and the amount transmitted to the master, after deduction of the fee.

32.—The above is understood to apply to such slaves, who are guilty of desertion; only double fee to be paid for slaves guilty of any crime.

33.—Premium established for persons arresting government slaves.

34.—Persons apprehending runaway slaves, are authorized to kill them whenever they resist.

35.—Children of slave women by christians, shall not be sold.

36.—But shall be christened, and if necessary, provided for in the poorhouse.

37.—The practice of lending money to free persons on bond for slavery, for a certain period, abolished.

38.—Slaves not acceptable in the army.

39.—Slaves prohibited from walking on the plaistering near the houses, without urgent necessity.

40.—With the exception of such as follow their masters.

41 & 42.—Slaves quarrelling or disturbing the public tranquillity, shall be punished on the spot, by the officers of police.

43.—If the master is not present at such transgression, he shall be previously informed of it.

44.—The runners of carriage are permitted to make free persons leave the road when carriages are coming.

45.—Slaves

45.—Slaves not permitted to ride on horseback in the town or suburbs, on penalty of corporal punishment.

46.—Penalty established for persons selling intoxicating liquors to slaves.

47 & 48.—Slaves not to be admitted in gambling houses, on penalty of punishment to both parties.

49.—No slave is permitted to sell or pawn any thing without being furnished with a permit, on penalty of whipping.

50 & 51.—Fine established for persons purchasing or taking any thing in pawn from slaves, without a special permit.

52.—Slaves prohibited from crowding the streets after six o'clock in the afternoon.

53.—Slaves prohibited from assembling even in the day time.

54 & 55.—Prohibited from carrying fire arms.

56, 57 & 58.—Except beyond the out-posts, when furnished with a permit from their masters.

59, 60, 61 & 62.—Slaves prohibited from walking about after nine o'clock at night, without a light, on penalty of being arrested, and both the slave and master punished.

63.—Slaves not allowed to wear sarongs for fear any arms might be concealed under the same, on penalty of whipping.

64.—Slaves prohibited from visiting dancing girls, on penalty of being arrested.

65.—Officers of justice empowered to inflict slight punishments on slaves.

66, 67, & 68.—Slaves are allowed to dispose of their property, with the exception of such tools or otherwise, as have been previously given to them for exercising any trade.

69.—Slaves subject to secret disorders, of which no previous information has been given to the purchaser, are returnable within six months after the day of sale.

70.—In case evident proofs can be produced of their having had the same, previous to the day of sale.

71.—Insane slaves may be placed in the Chinese hospital, on payment of two rix-dollars per mensem for their subsistence.

72.—Whoever sells a slave is responsible for any crimes committed previous to the day of sale, to the amount of such sum of money the slave is sold for.

73 & 74.—Duty established on emancipation of slaves.

75.—Inquiry to be made in each case, whether they are emancipated without any payment, or whether they purchase their own liberty.

76.—Directors of the poor house are authorized to accept bequests and legacies from emancipated slaves.

77.—Slaves who visit Holland, are, and remain free.

78.—Penalty established for persons selling slaves who have been in Holland.

79.—Particularly such as put them up for sale in office.

80.—Emancipated slaves are bound to respect their former masters.

81.—In default of which they will be punished as circumstances direct.

82.—In case of misfortune, emancipated slaves shall be bound to provide for their former master's subsistence.

83.—Slaves who are not properly taken care of when sick, shall be emancipated by the magistrate.

84.—Who shall also emancipate such slaves of deceased persons as disclose the reasons which may have caused the violent or unnatural death of their masters.

85, 86, & 87.—At the decease of emancipated slaves, their former masters shall be considered as lawful heirs in case no person of kin is present.

88.—At the decease of emancipated slaves, their former masters are entitled to one-fourth of the property left, provided they leave no children behind.

89.—In cases of difficulty, reference shall be made to the Imperial laws.

90.—In case of slaves being sentenced, the masters shall pay the costs of suit, except in case the slaves are able to work, and the masters prefer to give them up.

91.—The fee for arresting slaves shall be paid by the officer of justice, in cases where the slaves, after punishment, cannot be returned to the owners.

92, 93, & 94.—No slaves to be exported to Banda, the Cape of Good Hope, or Holland, without a special permission from government.

95.—Payment for transporting slaves to Holland.

96.—Penalties on exportation to Holland without permission.

97.—Directors of the poor fund shall give notice, whenever a slave applies to them for subsistence, respecting the emancipation of whom they are not perfectly satisfied.

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The following articles have been entered in the above Code of Regulations, under the section *respecting Notaries.*

Resolution, 10th July 1763.—Interdicting natives of Bantam, and the Lampongs from being sold as slaves at Bantam, and prohibiting transfers of such slaves being made.

Resolution 27th July 1763.—Directing the sum of 25 rix-dollars to be paid into the poor fund, at the emancipation of a slave.

Order, 28th September.—Prohibiting exportation of Eastern slave men to the Cape of Good Hope, on penalty of confiscation.

Resolution, 10th April 1770.—Establishing, that slaves who have become christians cannot be sold.

Resolution 27th November 1770.—Interdicting the exportation of Eastern slaves to Ceylon.

Resolution, 17th January 1772.—Determining, that slave women, who have children by their masters, if christians, cannot be sold at their master's decease, but shall be emancipated.

Resolution, 23d October 1772.—Explanatory of the 4th and 5th articles of Proclamation of 17th October 1752, condemning slaves who conceal other slaves, to transportation in irons for three years.

Resolution, 1st June 1773.—Establishing, that no emancipated slaves shall be entitled to any allowances from the poor fund, but after having been free, and christians three years at least.

Resolution, 1st June 1773.—Directing persons who emancipated slaves, to provide for their subsistence till three years after the emancipation.

Resolution, 1st June 1773.—On the same subjects, directing notaries to give intimation thereof to testators.

Resolution, 20th January 1775.—Explanatory of the advertisement of 20th June 1766, respecting emancipation of slaves who save the lives of their masters.

Resolution, 14th February 1775.—Persons not bound to emancipate children of slaves previous to their being christened.

Resolution, 23d August 1776.—All slaves imported shall be exhibited to the members of council.

Resolution, 11th October 1776.—Cancelling the order of government, contained in the 20th and 21st act of farm conditions for the boom, respecting the number of slaves allowed to be imported.

Resolution, 1st December 1777.—Regulations for preventing disturbances and affrays by slaves on the public roads.

Resolution, 11th December 1777.—Permitting owners of slaves to dispose of the same, if no christians, either to christians mahometans or pagans.

Publication, 31st March 1778.—Alterations of the former regulations respecting slaves and slave trade, additional laws established.

Resolution, 3d December 1778.—Jews allowed to purchase slaves, if no christians.

Resolution, 14th August 1781.—Slaves emancipated by christians shall be considered as belonging to the Honourable Company's papangers; those emancipated by persons who do not profess the christian religion, shall belong to the different corps of natives, and each of them to live in the compound of his tribe or nation.

Resolution, 14th August 1781.—Directing the secretary at Scheponen to keep an exact account of the slaves who are emancipated every month, and to transmit a list of those whose masters were christians, to the captain of the papangers, and of those who have been emancipated by persons *not christians*, to the commissary of native affairs.

Resolution, 22d October 1781.—Ordering the ministers at Macassar, to see the contracts entered with slave traders, strictly adhered to.

Resolution, 8th October 1782.—Explanatory of Resolution 17th January 1772, respecting emancipation of slave women who have children by their masters, if christians, whether they die solvent or insolvent.

Resolution, 17th December 1782.—Order of 31st March 1778, prohibiting importation of slave men from Macassar or other places situated to the eastward, above the age of twenty-five, to cease from this date.

Resolution, 18th February 1783.—Shabandar ordered to acquaint all slaves imported, with the punishment inflicted by the law in murders.

Resolution, 14th October 1783.—Authorities in Holland requested to cause all slaves imported in the United Provinces to be sent back.

Resolution,

Resolution, 25th November 1783.—Explanatory of directions transmitted to the ministers at Macassar, respecting slave trade.

Circular letter, 15th December 1783.—Recommending observance of orders, respecting immediate importation of slaves.

Resolution, 20th January 1784.—Regulations prohibiting the sale of slave women who have children by their masters, shall be of application in such cases only as are mentioned in the 35th article of the regulations.

Resolution, 3d April 1787.—Slaves throwing dirt or filth in canals, gutters, &c. shall be whipped on the spot by the officers of justice.

Resolution, 18th December 1787.—Tax on slaves established at the rate of forty stivers for each slave per annum.

Resolution, 25th March 1788.—Natives exempted from paying tax on slaves.

Publication, 19th September 1788.—At the emancipation of a slave, notice thereof is to be given within six months to the college of Schepenen.

Advertisement, 6th October 1789.—Renovating regulations respecting emancipation of slaves.

Advertisement, 7th January 1793.—Altering the tenor of publication, 19th September 1788.

Advertisement, 12th December 1797.—A tenth part of the slave men imported shall, if required, be selected by government for their use.

Publication, 15th Dec. 1797.—Respecting opium houses, slaves not admissible.

Publication, 15th December 1797.—Farm conditions, containing several regulations respecting slaves and slave trade.

Publication, 15th December 1797.—Prohibiting admittance of slaves in gambling houses.

Publication, 15th December 1797.—Prohibiting admittance of slaves at cock-fighting.

Advertisement, 19th December 1797.—Regulations on the importation of slaves.

Advertisement, 15th January 1798.—Respecting measures to be adopted for the conservation of public tranquillity also with regard to slaves.

Advertisement, 16th January 1798.—Prohibiting slaves from being admitted in opium houses.

Publication, 24th December 1798.—Alteration of farm conditions with regard to the slaves.

Publication, 20th September 1779.—Respecting confinement of slaves in irons.

Letter, 31st January 1800.—To the government of Macassar, and reply thereto, with a report respecting slave trade.

Publication, 1st April 1800.—Prohibiting inhabitants of this colony from purchasing slaves, subjects of the King of Spain.

Publication, 18th April 1800.—Promulgated at Macassar, in consequence of the above letter.

Letter, 12th February 1801.—To the government of Macassar, approving renovation of orders respecting slave trade.

Publication, 26th June.—Respecting punishment for persons stealing buffaloes and slaves.

Resolution, 2d February 1812.—Directing the surgeon of the Honourable Company's mechanics to attend sick slaves, as the native medicines appear to be of no good effect.

Publication, 9th April 1802.—Respecting burial of slaves.

Resolution, 6th September 1805.—Respecting emancipation of slaves by natives.

Advertisement, 22d August 1806.—Establishing a fee on the apprehension of run-away slaves.

Publication, 18th Sept. 1807.—Respecting the selling of christian slaves.

Resolution, 12th Dec. 1809.—Respecting allowances of government slaves.

Advertisement, 19th Dec. 1809.—Rescinding regulations of 12th October 1688, prohibiting importation of eastern slaves.

Publication, 24th September 1810.—For warning native chiefs not to allow any run-away slaves to reside in their respective compounds, on penalty of confinement in irons.

(A true translation in abstract.) (signed) *W. Robison.*

Ordered, That the following be written to the governments of Java and Prince of Wales Island, to the chief secretaries at Mauritius and Ceylon, and to the residents of Fort Marlborough and Amboyna.

Bengal Papers: State of Slavery in Company's Territories.

No 16.

To the Honourable Thomas S. Raffles, Esq. Lieutenant Governor in council of Java.

1.—Honourable Sir:—We have had the honour to receive your letter of the 13th June, with its inclosure, submitting to us some general information on the subject of slavery as it exists on the Island of Java and its dependencies, and proposing different regulations for moderating its rigors, and for confining the practice to those objects where it could be tolerated with least inconvenience.

2.—We concur most entirely in the humane and benevolent motives which have given rise to this reference to us; and we should cordially have co-operated in any measures which had for their object the gradual abolition of a practice which is liable always to be attended with the greatest abuse, and which, however mild and unobjectionable it may sometimes be in its application, must still be viewed as a violation of one of the first principles on which society is constituted.

3.—The questions discussed by you are, however, reduced within a narrow compass by a late Act of the legislature; and as far as regards the importation of slaves by sea, an actual prohibition already exists under the sanction of the highest authority.

4.—At the period of receiving your despatch, we had before us the Act of the 51st Geo. 3, c. 23, intituled, "An Act for rendering more effectual an Act made "in the 47th year of His Majesty's reign, intituled, 'An Act for the Abolition of the "Slave Trade;'" and as the provisions of the statute are highly penal in their operation, and the object of the law is highly important, we deemed it necessary and proper to give it the utmost publicity at this presidency. The Act has accordingly been published in the Calcutta Gazette, and we have the honour to transmit ten copies of it for the information and use of your government. Copies have also been forwarded to the other governments in India, as well as to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that they may aid in enforcing the provisions of the statute.

5.—As no doubt can exist with respect to the construction to be given to the Act in question as applying to the importation of slaves by sea, it appears to us only necessary to add on this point, that we are of opinion the necessary measures should be adopted by you for the purpose of giving effect to the intentions of the legislature within the limits of your authority.

6.—With respect to the measures proposed to be adopted for regulating slavery on the island, we shall only observe at present, that these regulations involve questions of great delicacy and importance, and we would wish therefore to delay entering upon the consideration of the subject until we be made acquainted with the arrangements which may have been adopted by the authorities in England for the future administration of the Island of Java and its dependencies.

We have, &c.

(signed) *Minto.* *J. Lumsden.* *H. J. Colebrooke.*

Fort William, 17th Oct. 1812.

To the Honourable W. Petrie, Esq. Governor in council of Prince Wales Island.

No 17.

1.—Honourable Sir:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3, c. 23, intituled, "An Act for rendering more effectual an Act made in the 47th year of His Ma- "jesty's reign, intituled, 'An Act for the Abolition of the Slave Trade,'" I am directed to bring the subject under your immediate notice.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published I have the honour to forward, by his Lordship's direction, for the information and use of your government. Copies of it will also be transmitted to the other governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that, in their capacity of Justices of peace, they may aid in enforcing the provisions of the statute.

3.—As

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council only necessary to add, that he is of opinjon that measures should be adopted by your government for giving effect to the intention of the legislature, within the limits of your authority.

I have, &c.

(signed) *Henry St. Geo. Tucker,*
Secretary to Government.

Fort William, 17th Oct. 1812.

To Major A. Barry, Chief Secretary to the Government of Mauritius.

N° 18.

Sir:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3, c. 23, intituled, "An Act for "rendering more effectual an Act made in the 47th year of His Majesty's reign, "intituled, 'An Act for the Abolition of the Slave Trade,'" I am directed to bring the subject under the immediate notice of the government of the French isles.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published I have the honour to forward, by his Lordship's direction, for the information and use of the government of the French isles. Copies of it will also be transmitted to the other governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that, in their capacity of Justices of peace, they may aid in enforcing the provisions of the statute.

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council only necessary to suggest that measures be adopted by his Excellency the Governor of the French isles, for giving effect to the intention of the legislature, within the limits of his authority.

I have, &c.

(signed) *Henry St. Geo. Tucker,*
Secretary to the Government.

Fort William, 17th Oct. 1812.

To the Honourable John Rodney, Esq. Chief Secretary to the Government of Ceylon.

N° 19.

Sir:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3, c. 23, intituled, "An "Act for rendering more effectual an Act made in the 47th year of His Majesty's "reign, intituled, 'An Act for the Abolition of the Slave Trade,'" I am directed to bring the subject under the immediate notice of the government of Ceylon.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published I have the honour to forward, by his Lordship's direction, for the information and use of the government of Ceylon. Copies of it will also be transmitted to the other governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that, in their capacity of Justices of peace, they may aid in enforcing the provisions of the statute.

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council only necessary to suggest that measures be adopted by his Excellency the Governor of Ceylon, for giving effect to the intention of the legisture, within the limits of his authority.

I have, &c.

(signed) *Hy St. Geo. Tucker,*
Secy to the Government.

Fort William, 17th October 1812.

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N° 20.

To William Parker, Esq. Resident at Fort Marlbro.

Sir:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3. c. 23. intituled, "An "Act for rendering more effectual an Act made in the 47th year of His Majesty's "reign, intituled, 'An Act for the Abolition of the Slave Trade,'" I am directed to bring the subject under your immediate notice.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published, I have the honour to forward by his Lordship's direction, for your information and use; copies of it will also be transmitted to the different governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that in their capacity of justices of peace, they may aid in enforcing the provisions of the statute.

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council, only necessary to add, that he is of opinion, that measures should be adopted by you, for giving effect to the intention of the legislature, within the limits of your authority. I have, &c.

(signed) *Hy St. Geo. Tucker*,
Secy to the Government.

For William, 17th October 1812.

The same to the Resident at Amboyna.

Extract, Bengal Colonial Consultations, 5th December 1812.

Government of Java, to the Right honourable Gilbert Lord Minto, Governor General, &c. &c. &c. Fort William.

N° 16.

My Lord:—I have already had occasion to address your Lordship on the subject of the right asserted by His Majesty's ships, of detaining and sending to India for adjudication vessels bound to ports in Java having slaves on board, and to transmit, for your information and further orders, the correspondence which took place on the subject with Captain Sayer of His Majesty's ship Leda, late senior officer on this station.

2.—This question having then been referred to the higher authorities in India, I had reason to expect that it would have been unnecessary for this government again to have addressed the supreme government on the subject, but the late proceedings of Captain Owen of His Majesty's ship Cornelia, in seizing and detaining of his own authority, without reference to the senior officer on the station, vessels of this description, compels me to submit, for your Lordship's information and consideration, a further correspondence which has since taken place with Captain Bowen of His Majesty's ship Phœnix, now senior officer of the station.

3.—This correspondence, which I have the honour to inclose, will inform your Lordship fully of the light in which the subject has been viewed by me; and of the satisfactory arrangement which, in consequence of the arguments I felt it incumbent on me to bring forward, and of the suggestion which I made, Captain Bowen, as senior officer, has taken upon himself to adopt, until further instructions are received from India.

4.—Without entering upon the general question, whether the Act of the legislature alluded to, applies to the particular circumstances of the late conquests in these seas or not, or, if it does so, whether it would be advisable or prudent to enforce all its provisions, points which are now referred for the decision of your Lordship, with the naval commander-in-chief, it may be proper to notice the particular cases which have occurred, with the view of explaining to your Lordship the grounds on which the government has felt itself bound to interfere in support of the importers.

5.—The case of Mr. Framberg, which is brought forward by Captain Owen, is already alluded to in the correspondence, and on this it may be only necessary to observe, that the slaves having in the first instance been allowed to land without molestation, I have considered them while on shore, as subject to the regulations and laws of the colony under the immediate protection of government, and consequently

not

not liable to the demand of Captain Owen. Another case, however, has occurred in which the vessel has been conveyed to Madras by Captain Owen, and in which the interference of government with regard to the disposal of the slaves, has become more urgent; the particulars of this case are shortly stated in the petition of the aggrieved party, of which I have the honour to inclose a copy.

6.—In this case, Captain Owen seems to have acted so diametrically opposite to the spirit and intention of the very Act which he undertakes to enforce, that I should be wanting in my public duty, did I not bring the transaction immediately under the notice of your Lordship.

7.—Being at Samarang, at the period the circumstance took place, I had it not in my power, prior to Captain Owen's departure, to enter into the investigation; and the inclosed extracts of letters from Captain Owen, marked *private*, contain the only information which I received of his views and intentions, Mr. Muntinghe having very prudently declined entering upon the subject, without previous reference to me. On my arrival at Batavia, I found that, in pursuance of the information made in Captain Owen's letter of the 18th ult. the slave children taken on board the vessel of the Chinese Kam Keong Ko, had been disposed of to several individuals, to be bound as apprentices to masters willing to pay the treasury reward for the benefit of the captors, and application was made to the magistrates to certify indentures to this effect, agreeably to a form, of which I have the honour to inclose a copy, taken from the office of the magistrates, who, by my desire, refused to interfere with the transaction.

8.—It must be evident that if Captain Owen has a right to capture the vessel, that right could only be founded on the emancipation of the slaves, and consequently that he could have no further right in the persons or services of the slaves; in taking upon himself a right over their future services, not only on the assumed plea of providing for their maintenance, but with the view of obtaining a personal compensation for the same, to the extent of the treasury reward, I conceive that he has been guilty of a positive violation of any authority that might have been vested in him.

9.—Instead, therefore, of allowing this arrangement to be carried into effect, and the parties to be literally sold into slavery, for the apprenticeship means nothing less, by the very authority that should have emancipated them, I have thought it proper to interpose the authority of government, and to direct that the whole of the children so imported should be kept under the immediate care and protection of government, until I am honoured with your Lordship's commands with regard to their emancipation or otherwise, or until it is ascertained whether the provisions of the Act must of necessity be enforced or not.

10.—Your Lordship is already so fully informed of the state of society in the Eastern Islands, and of the difficulties to be apprehended from any sudden change, that it becomes unnecessary to enter on the reasons which have operated in tolerating the slave trade for a time under its present restrictions, but I trust they will be sufficiently apparent to justify the measure I have adopted in supporting the regulations framed under the sanction of your Lordship; and in taking upon government, during reference, the loss which may arise in the event of the Act being considered to apply.

11.—I shall await your Lordship's further instructions previous to making any essential alteration in the regulations; but every possible restriction on the importation that can be made with safety, and without seriously endangering the native commerce of the island, or occasioning unfavourable prepossessions with regard to the British character and views, will be made gradually, and as occasion offers, with a view to positive prohibition eventually; should the provisions adopted by the legislature be considered applicable to those parts. while, however, the regulations admitted of the importation on any terms whatever, I shall, in justice to the importers, feel myself bound to support their right when they conform to those terms, and to bear them harmless from any loss to which they may be subjected from an erroneous construction of the law.

I have, &c.

Samarang, 29th August 1812. (signed) *Thomas S. Raffles.*

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N° 17.

LIST OF ENCLOSURES.

N° 1.—Copy, letter from the Honourable the Lieutenant Governor to Captain Owen.

N° 2.—Letter from Captain Owen to the Vice President.

N° 3.—Letter from Captain Bowen in reply.

N° 4.—Orders issued to Captain Bowen.

N° 5.—Petition of Kam Keong Ko.

N° 6.—Extract, letter from Captain Owen to the Lieutenant Governor.

N° 7.—Form of Indenture.

(signed) *C. Assey*, Sec^{y} to Lieut^{t} Govr.

1.—(Copy.)—To James Bowen, Esq. Senior Officer of His Majesty's Squadron in these Seas.

N° 18.

Sir:—Herewith I send you the copy of a letter addressed to the Vice President in council, at Batavia, by Captain Owen of His Majesty's ship Cornelia, calling upon this government to assist him in securing and emancipating some slaves, which it appears have been imported and landed at Batavia by a Mr. Framberg, from Macassar, in such manner as will not oblige him to carry these people from their country, and at the same time ensure to him and his ship's company the reward authorized by late Acts of Parliament for the seizure of slaves. It would have been much more acceptable and satisfactory, had Captain Owen's letter reached me through you, as I might then have had the benefit of your observations on a subject every way so delicate and interesting.

2.—Not having yet had all the particulars of this case before me, I do not feel myself competent to enter into it in the manner I could wish; but whatever may be its peculiar merits, it becomes a matter of serious importance to the welfare of this island, and to the credit and character of the British nation in its relations with other states, that some fixed rule of conduct should be observed by the officers of His Majesty's navy on this station, with regard to vessels trading under the flags of independent native powers in amity with us in these seas, and importing slaves to the island under the sanction of ancient and long-established custom; otherwise, instead of being considered in the light of protectors from injustice and oppression, we shall, I fear, subject ourselves to be held up as deserving of epithets the very reverse.

3.—I am aware that Mr. Framberg's case may be said to be totally different from that wherein vessels navigating under native flags are concerned, and I am most anxious to have it clearly understood, that on the abstract question of slavery, no man can be more strongly impressed with a desire that its abolition should, if it were possible, be immediate and universal; but if the British legislature felt it necessary to be so tender of the rights of individuals, and those too, subjects of England, as to deliberate for a period of many years before it could determine on the mode by which the emancipation of slaves in our West India colonies could be carried into effect, without infringing on these rights, how much more delicately situated must not the government of a newly captured island be, bound as it is not only to protect the property, privileges, and customs of its inhabitants, but also by the usage of conquest, which, as I apprehend, declares that the fundamental laws existing in any foreign colony at the time of its conquest, shall remain unaltered till the sovereign authority of the conquering state shall decide.

4.—I have used the freedom of expressing my sense of the necessity that exists for a fixed rule of conduct being observed by the officers of His Majesty's navy, regarding the seizure of vessels importing slaves to this island, as well because of the conviction I feel that some rule of the kind should be established, as because, after the communication I made on this very subject a short time since to Captain Sayer, then senior officer on the station, (a copy of which, and of what passed further on that occasion, I now transmit) I had flattered myself that the question would not again be agitated until I should have received an answer to a reference I then thought it my duty to make to the superior authority in India.

5.—In my letter to Captain Sayer, you will observe I have declared my opinion that the late Act of Parliament regarding slavery could not be applicable to the circumstances under which this island and its dependencies are placed. It was not without diffidence that I gave an opinion which, perhaps, would have fallen rather within the province

province of a legal authority; but having since had an opportunity of perusing that Act, I feel satisfied and confirmed in the opinion I before ventured to give, and more particularly so as the Act in question is dated in May 1811, three months previous to the capture of this island. It strikes me as an absurdity to suppose that the legislature could make laws for a country that virtually did not exist, that is, exist as a British settlement.

6.—With reference to the particular case of Mr. Framberg, it occurs to me that, even admitting the application of the late Act, it might be decided by the provisions made in the Act of 1806, where, if my memory be correct, for I have not the Act to refer to at this moment, planters in the West India islands are permitted to remove their slaves, forming part of their family, from one island to another, without molestation. Mr. Framberg, I believe, is a servant of the former government, who had held some public situation at Macassar; and when that settlement came under British rule, he found it convenient to return with his family to this island. Independent, however, of this view of the case, it appears to me that Captain Owen abandoned all right to the least interference with these people the moment he permitted them to put their feet on shore.

7.—It is well known, that for a long period preceding the capture of Java, the trading inhabitants of the eastern islands were subjected to an arbitrary and oppressive operation of His Majesty's Orders in Council, regarding the blockade of the enemy's ports, which, by an evident misapplication, was enforced without discrimination, until a reference to the authorities in India, and ultimately in Europe, occasioned its discontinuance. During the period in which it was enforced, the English could only be considered as the scourge of the Eastern Seas. Fortunately, a great change has taken place by the conquest of this island, and the inhabitants to the eastward are daily becoming more reconciled and attached to the British interests. But should the Act of Parliament regarding slaves have a similar extensive operation, and subject every trading prow to search and transmission to India for adjudication, in the event of having slaves on board, the most alarming consequences will ensue; and instead of the British influence effecting the tranquillity and civilization of the Eastern Seas, they may be expected to become a scene of rapine, violence and murder.

8.—It is proper for me to observe, that the regulations that have been established on this island amount almost to a prohibition of the importation of slaves, and that I have reason to think the period is not very far distant when it may finally, and with safety to the British character, cease, as far as regards this island and its immediate dependencies; but you must be aware that the great commerce in slaves is carried on by native powers in amity with the British government, but entirely independent of their authority, and that there is scarcely a native vessel of any description navigating these seas that has not slaves on board, and consequently may be liable to search, which, if persevered in, cannot fail to have an effect similar to the system of blockade. It is by treaty and amicable negociation with these powers that arrangements may eventually be made for the entire suppression of the trade, while the effects of violence and seizure, under existing circumstances, could only tend to frustrate and render difficult, if not impossible to attain.

9.—I have therefore to request, that you will interfere, as far as you may feel yourself authorized, in the case of Mr. Framberg, Captain Owen having quitted his station without affording the opportunity of entering into any explanation with him; and farther, that you will be pleased to state to me how far you feel yourself at liberty, by the instructions of his Excellency the commander-in-chief of His Majesty's naval forces, to attend to the wishes of this government with regard to the slave trade as carried on by natives, it being out of my power, under the instructions I have received from the Governor General, to alter the existing laws of this colony, which, while existing, must commit the British government, if the Slave Act is allowed to operate generally; it is my wish to refer the subject fully immediately to the supreme government, in order that his Lordship may make such arrangements with the commander-in-chief as may appear most advisable; and I shall feel happy if circumstances permit of your suspending the operation of the Act in these seas until a reply is received.

I have, &c.

Samarang, 2d Aug. 1812. (signed) *Thomas S. Raffles.*

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N° 19.

2.—(Copy.) To the Hon. the Vice President in council at Batavia.

Honourable Sir:—I beg to inform you, that a vessel from Macassar, belonging to, on account of, or commanded by a Mr. Framberg, was boarded from my ship some days since; and on being questioned as to slaves, he declared certain people seen on board the said vessel to be free people, merely passengers changing their place of residence, and that they were not slaves.

I have since learned, with the indignation such conduct is calculated to excite, that the said Mr. Framberg has offered some of those persons for sale as slaves, and under some peculiarly aggravating circumstances. In compliance with my orders to seize all vessels so employed actually, or intending to be so employed, or having been so employed, I beg to claim immediate assistance of placing the slaves so brought here by Mr. Framberg, under the protection of this government, and to claim your concurrence in some proper measure for the emancipation of these people, without taking them from the country, and without depriving my officers and crew of their authorized reward. I have ordered the said vessel to be seized, and shall endeavour to take her to Madras for adjudication, unless you shall please to make such arrangements as may render this unnecessary; and, therefore, I have to claim the assistance of your authority for recovering such papers and property and persons as may have been embarked in the said vessel; all such property being confiscable, and all such persons subject to the penalties of the law, as well as being necessary to the examination of the circumstance in the Vice Admiralty Court as being concerned in this illegal and infamous traffic.

And as it is impossible for me to remain longer here with His Majesty's frigate, I must beg you will please to delay as little as possible your acknowledgment of this communication, and that you will please to consider Thomas Wallis, Esq. as my agent for conducting this transaction in those stages of it, to which my other duties will not allow me to attend. I have, &c.

(signed) *W. F. W. Owen*,
Batavia Bay, 17th July 1812. Captain of H. M. Ship Cornelia.

3.—(Copy.) To the Hon. S. Raffles, Lieut. Governor of Java, &c. &c. &c.

N° 20.

Sir:—I have the honour to acknowledge the receipt of your letter, under date the 2d August, inclosing the copy of a letter from Captain Owen of His Majesty's ship Cornelia, relative to a seizure he has thought proper to make under the Slave Act. As this document does not afford the particulars necessary to enable me to give any opinion on the propriety of this capture, and as Captain Owen has not acquainted me with his proceedings, I must decline any further remark upon it, than my participation in the regret you express at his having adopted a measure likely to be attended with great inconvenience and disadvantage to the views and interests of the government, without a reference to the authorities, which might have reconciled those interests with the due obedience to orders and the rights of the captors, in the event of a legal decision in their favour.

I have referred to his Excellency the commander-in-chief of His Majesty's ships in India for instructions on this subject, and, in adopting the suggestion with which your letter concludes, I am happy to have an opportunity of shewing my readiness to meet your wishes, and of giving that support to your measures which both my duty and inclination dictate.

I inclose you the order I have issued to His Majesty's ships under my directions on the subject of slaves, having no doubt of your acquiescence in the mode I propose to secure to the captors of such vessels their rights, if it be hereafter decided that they have any; and that you will give directions for the securities proposed to be taken for these rights, to be furnished when applied for.

H. M.'s ship Phœnix, 7th Aug. 1812. I have, &c.
(signed) *James Bowen*, Jun. Senior Officer.

4.—(Copy.) By James Bowen, Jun. Esq. Captain of His Majesty's ship Phœnix, Senior Officer, &c. &c. &c.

N° 21.

To the Captain and Commanders of His Majesty's Ships on the Coast of Java and the Eastern Islands.

The Honourable T. S. Raffles, Lieutenant-Governor of Java and its dependencies, having represented to me the very serious evils which must ensue from the seizure of trading vessels which may be met with by His Majesty's ships or vessels, under the

the impression that the circumstance of their having slaves on board for sale, subjects them to the operation of the late Acts of Parliament respecting the slave trade, notwithstanding the traffic is sanctioned by the existing laws of Java, as well as the laws and customs of the neighbouring states. To avoid, if possible, these evils, and at the same time to ensure to the captors the rewards assigned to them by Parliament, in the event of an Admiralty Court deciding that the Slave Act extends to vessels of the before-mentioned description.

It is my direction that, when any of His Majesty's ships or vessels under my orders fall in with any ships or vessels which they may conceive to be trading in violation of these Acts, they do not remove any part of their cargoes, but convey them into one of the nearest principal ports of Batavia, Samarang, or Sourabaya, as may be most convenient, communicating their arrival with the detained vessel to the government or superior civil authority at the said port, from whence they will receive, on the part of the government of Java, a bond to pay the amount of the reward assigned by the Act of Parliament for the seizure of slaves, as well as the value of the vessel and cargo, in the event of its being decided in the Admiralty Court that such vessel is liable to the provisions of the before-mentioned Act of Parliament.

The captains of His Majesty's ships or vessels will also take care to procure the the necessary documents from the custom-house, and a survey held by qualified persons for ascertaining the value of the hulls and cargoes; after which they are to permit the detained vessel to proceed on her voyage, giving the master a certificate of his having been examined, and of the proper securities having been furnished, which certificate is to preserve the vessel from further stoppage by any of His Majesty's ships under my orders.

Given on board His Majesty's ship Phœnix at sea, this 7th day of Aug. 1812.

(signed) *James Bowen*, Jun.

5.—To His Excellency T. S. Raffles, Lieut. Governor of the Island of Java, &c. &c. &c.

N° 22.

Mem. No specific license was granted for slaves, but the regulations did not forbid the importation.

Honourable Sir:—The Chinese Kam Keong Ko begs leave to inform your Excellency, that, in the month of January last, he has obtained license of the British government to trade to the Island of Baly for the purchase of slaves.

But on his return, and entering in the harbour of Batavia, he suddenly has been taken by an English man-of-war, and immediately was sent off, having on board 116 slaves, besides the cargo, which consisted in wax, birds' nests, linen, dry meat, and other merchandize, estimated, together with the vessel, to 30,000 Spanish dollars; and as the petitioner still persists to have not transgressed against the laws, and as no other directions since his departure were made by government concerning the import of slaves, than only those stipulated in the general form condition, to 30 rix dollars, silver money, per head.

Original.

The petitioner, therefore, begs leave to request that your Excellency may please to bear some part of his loss, and to grant him indemnity, which would prevent him from total ruin.

The humble Petitioner, by × *Kam Keong Ko.*

N° 23.

6.—Extracts, Letters from W. F. W. Owen, Esq. Captain of His Majesty's Ship Cornelia, to the Hon. the Lieutenant Governor, and marked private.

Goonang Sahary, 15th July 1812.

My dear Sir:—The present very strict regulations relative to slavery, have caused the detention of a vessel belonging to Batavia, which, under the orders of Captain Rodney, I am to carry to Madras for adjudication; you did some time ago make me acquainted with a correspondence you had with Captain Sayer on this subject, the result of which I do not exactly remember, but whatever may have been his view of this traffic, as modified here, my orders do now leave me no choice in my mode of proceeding, as you may believe I would prefer an arrangement with your government, to carrying it to Madras, where perhaps the case may excite some disagreeable feelings under the extremely forbidding countenance and sentiments now common to all Englishmen on this subject.

I have recommended to Mr. Muntinghe, to write to me publicly, and to Sir Thomas Strange privately, to explain the particulars of the colonial regulations on this subject, in a light which I believe him extremely capable of doing to advantage, his public letter will go with the other papers, and so will fall under the notice of Sir Thomas Strange, to whom also I will endeavour to explain the necessity of some

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system of the sort, however modified, to supply Batavia with people who will work; although this cannot, in my opinion, save the vessel under the existing severe laws on the subject, it may soften down certain asperities which might otherwise occur on a system so well calculated to procure popularity to its most clamorous opposers.

Original.

Knowing as you do, the rule of obedience we are obliged to follow, I need not say how impossible it must be to attend to any representations which your government here can make on the subject, as aiming on the liberation of the vessel, or which does not provide for the complete emancipation of the unfortunates so happily or unhappily taken. This I feel it necessary to say, lest you imagine your presence might have altered the case. Mr. Muntinghe has said every thing man can say, and with him I lament the probable consequence, yet must capture all such I meet so laden. It is my intention to sail to-morrow night, having been detained here these two days to wind up my affairs in Java.

(signed) *W. F. W. Owen.*

Extract, Letter dated 18th July 1812.

Batavia, 18th July 1812.

My dear Sir:—On the first view of the case of capture, which I mentioned to you a few days since, it did not bring to my recollection how much the honour and interest of this government is concerned in preventing the publication of a most

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flagrant error continued by it ever since the capture of this colony. Actuated by the wish to reconcile my duty and my interests with the esteem I owe yourself individually, and the high respect I entertain for my Lord Minto, I have endeavoured to make Mr. Muntinghe feel the necessity of stopping all slave causes, if possible, here.

Under the pressing orders which I now am, I have scarcely been able to afford time or reflection enough to put this matter on such a footing as shall reconcile the honour of the government with certain stipulations necessary in the case; I have, however, endeavoured to put you in the most amiable light as protectors to injured people, through the whole transaction.

That you should so long have been misled as to the nature and extent of the Act of Parliament, is extremely surprising, under the strong penalties of the law; indeed, so strong, that he must be hardy indeed who would voluntarily brave them.

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But the conviction I have of your rectitude in all things, is sufficient to assure me that the principles on which you have suffered this disgrace to humanity still to exist

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are such as would do you credit, if examined, and would sufficiently inculpate me from an improper construction of my motives for endeavouring to prevent the extended publication of the cases. I should, however, have been hard put to it to effect so much, had it been possible to put Captain Rodney's orders into effect

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without much modification and loss of time.

I have therefore turned over as many slaves as possible to such individuals of good repute who chose to take them as apprentices, on the payment of the Treasury reward, and having the transaction conducted in the presence of the bench of magis-

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trates, which I co ider as the guardian to these wretches. This is proper, for many evident reasons, and the taking them to Madras might be seriously grievous to them. For all such emancipated slaves as may be landed here, in order to prevent their appearance before an admiralty court, Mr. M. has promised me that this government shall secure me the same reward as I should be entitled to by the more regular proceeding of admiralty judgment, which is put on the double principle of preventing the British Treasury from paying for your fault, and that my officers and

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crew, in accommodating themselves to your circumstances, should not lose their authorized reward; but Mr. Muntinghe has reserved this for your ultimate approbation. I must hope that you will not attribute to me any improper motives or unbecoming ones, for having so far lent myself from the strictly legal line of conduct; my principal aim is, believe me, to prevent the odium which must in England necessarily attach to a government which shall be known to have authorized slave trade, contrary to and in spite of the strong laws. I have directed Mr. Wallis to forward all the cases to Madras immediately, should there be the slightest appearance on your

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side for disapproving the measures which have been adopted.

In consequence of your letter to Mr. Muntinghe, I hope to see Captain Elliott to-day, to whom I shall explain the circumstances, and take his opinion thereon also.

(signed) *W. F. W. Owen.*

7.—FORM OF INDENTURE.

This Indenture, made the 5th day of August in the year of our Lord 1812, between Thomas Wallis, Esquire, residing at Batavia, agent for the captors of the slave vessel Kam Keong, on the one part, and Mr. Jacobus Marcus, residing in the city of Batavia, on the other part: Witnesseth, That the said Thomas Wallis, in consequence of the orphan state of one of the persons denominated slaves, found on board the aforementioned vessel, Kam Keong, when seized by His Majesty's ship Cornelia, proceeding from the Island of Bally to Batavia, for the purpose of being sold there, but emancipated by the said capture, agreeably to the Acts of Parliament, and in consequence of the necessity of making provision for the future legal maintenance of the said orphan in a country where has no natural relation, has put, placed and bound, and by these presents does put, place and bind, the said of the age of years, to be an apprentice with the said to dwell with the said from the date of these presents until the said shall come to the age of twenty-one years, by and during all which time and term the said shall the said said well and faithfully serve in all such lawful business as the said shall be put into the command of said according to the power, wit and ability of the said and honestly and obediently in all things shall behave self towards said and honestly and orderly towards the rest of the family of the said and the said for part for self, executors and administrators, doth hereby promise and covenant, to and with the said Thomas Wallis, his and every of his executors and administrators, and their and every of their successors for the time being, that the said shall the said in the craft, mystery and occupation of which the said after the best manner can or may teach, instruct and inform, or cause to be taught, instructed and informed, as much as thereunto belongeth, or in any wise appertaineth, and that the said shall also find and allow unto the said apprentice sufficient meat, drink, apparel, washing, lodging, and all other things needful or meet for an apprentice during the term aforesaid: And because the said orphan, is deprived of the advantage of all natural relations, the said doth further engage to consider self in the condition of a natural guardian to the said orphan, to watch over morals and conduct, according to the established forms of the christian religion.

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered in the presence of us.

P. S.—This Indenture, executed in duplicate, whereof one part is lodged with Thomas Wallis, Esq. Batavia, and the other part given to the contracting party.

Resolved, that the following letter be written to the government of Java, in reply.

To the Honourable Thomas S. Raffles, Esq. Lieutenant Governor in council of Java.

Honourable Sir:—We have had the honour to receive your letter of 29th August, with the copy of the correspondence mentioned to accompany it; and as the questions which it embraces are of considerable delicacy and importance, we propose to make the necessary communication on the subject to his Excellency, the naval commander-in-chief.

When the Act of the 51st Geo. 3, c. 23, was passed, the Island of Java and its dependencies were not actually in the possession of the British authority, and it may, therefore, be presumed, that the legislature could not have had it in contemplation at the time to pass a law which was to become applicable to a colony which had not yet been acquired by His Majesty's or the Honourable Company's arms.

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As however the Act is expressly extended to India, and as no exceptions are made with respect to its application, we considered it incumbent upon the British authority in India to enforce its provisions, by preventing as far as possible the importation of slaves by sea, into any British port.

With these sentiments, we had the honour to address a letter to you on the subject, bearing date the 17th October, and we have no doubt that you will have adopted such steps as may have appeared to you necessary and proper for the purpose of giving publicity to the Act, and of enforcing its provisions within the limits of your authority.

The opinion expressed in the 5th paragraph of your letter, with respect to the necessity of your affording the protection of the laws to the slaves alluded to by you, appears to us perfectly correct; and we think it highly proper that you should act on it accordingly.

We concur with you in opinion, that the proceeding of Captain Owen of His Majesty's ship Cornelia, was altogether unwarranted, and at variance with the intent and spirit of the law which he proposed to enforce, and we have no doubt that his Excellency the naval commander-in-chief will take such notice of the occurrence as the circumstances of the case may appear to him to require.

Captain Owen's proceeding in making over the slaves who were detained by him, as apprentices to private individuals, for a valuable consideration, cannot, we think, be justified under the Act of Parliament, and we approve, therefore, of your having declined to give the sanction of your authority to the indentures which have been entered into. The parties concerned can have no claim whatever to the interposition of the magistracy, for the purpose of giving effect to a transaction which the law does not recognize; and we do not hesitate in stating to you our opinion that, if any expense or loss should be incurred by individuals in consequence of this transaction, your government ought not to undertake in any manner to indemnify the parties.

We feel some difficulty, however, as giving an opinion with respect to the best manner of disposing of the slaves who had been detained by Captain Owen, and made over as apprentices to private individuals. On the presumption that the Act of Parliament extends to Java, the persons in question ought no doubt, in pursuance of its provisions, to be emancipated; but, as from their youth or sex, or from the circumstance of their being entire strangers on the island, it may be difficult for them to obtain an immediate subsistence, we think that the interposition of government may be necessary to afford them relief; and that you will be justified in employing their personal services, while it may be found necessary to afford them the means of subsistence.

We have, &c.

(signed) *Minto.* *J. Lumsden.* *H. T. Colebrooke.*

Fort William, 5th December 1812.

Ordered, That a copy of the letter and of its inclosures, from the government of Java, with copy of the reply above recorded, be transmitted to the naval commander-in-chief, with the following letter.

To the Naval Commander in Chief.

N° 26.

Sir;—We have the honour to transmit to your Excellency, the accompanying copy of a letter and of its inclosures, from the government of Java, with copy of the letter which we have addressed to that government in reply.

2.—As we have expressed in this dispatch, our sentiments on the questions which have been referred to us, we shall not offer to your Excellency any particular remarks on the subject; but it will be very satisfactory to us to find, that your Excellency has taken a similar view of the questions, and we cannot doubt that you will take such notice of the proceedings of Captain Owen, as the circumstances of the case may appear to you to render necessary and proper.

We have, &c.

(signed) *Minto.* *J. Lumsden.* *H. T. Colebrooke.*

Fort William, 5th December 1812.

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Extract, Bengal Civil Colonial Consultations, 5th June 1813.

Acting Secretary at Java to N. B. Edmonstone, Esq. Chief Secretary to the Government General, Fort William.

N° 70.

Sir:—I am directed to transmit to you, for the information and instruction of the Right honourable the Governor General in council, the accompanying extract from the proceedings of government of this date, relative to the importation of slaves.

I have the honour, &c.

(signed) *J. Davidson*, Acting Secretary to Government.

Batavia, 28th March 1812.

Extract, Proceedings of the Honourable the Lieutenant Governor in council.

N° 71.

To the Honourable T. S. Raffles, Esq. Lieutenant Governor, &c. &c.

Batavia, Saturday, 28th March 1812.

Honourable Sir:—I have the honour of inclosing letters received from the Deputy Commissioner, shewing the intention of Captain Sayer, commanding His Majesty's ship Leda, to prevent the importation of slaves, and beg to request early instructions on the subject. I have the honour, &c.

(signed) *H. Hope*, Commissioner.

Government House, Samarang, 6th March 1812.

To Captain G. Knight, Commandant at Banjowanjie.

Sir:—In return to your note of this day, transmitting copy of the Dutch language of a billet, which I am unable to interpret, but learn that it relates to an import duty on slaves to Java, and desiring to know my sentiments, as far as concerns my duty; I beg leave to furnish you with the printed order in council of His Majesty, and abstract Acts of Parliament, for regulating and restraining the slave trade, as sent to me by my commander-in-chief at the time.

Having fully understood, that a subsequent Act of Parliament *entirely* abolishes the trafficking in any way whatever by British subjects in slaves, I should conceive it the duty of a King's ship to detain for adjudication, any vessel with slaves, contrary to the intentions of the said Act. I remain, &c.

(signed) *G. Sayer*, Captain.

H. M. Ship Leda, Straits of Bali, 25th February 1812.

P. S.—Be so good as return (when done with) the printed documents.

To Captain Davy, Assistant Deputy Commissioner.

Sir:—I beg leave to inform you, that having had an application made to me for the purpose of importing slaves from Bodua, on the island of Bali, I applied to Captain Sayer, commanding H. M. frigate the Leda, to know his sentiments on the subject, if he would detain the vessel as a prize; at the same time, I shewed him a correct copy of the billet, N° 5, bearing date 14th December 1811, signed by Colonel J. Gibbs, Deputy Commissioner.

Captain Sayer in reply, informed me, that for him to admit a traffic in slaves from Bali to any part of Java, would be contrary to the tenor of his instructions, and that he should detain the vessel with her cargo that had slaves on board, if boarded by his boats. I send you his letter on the subject.

By the order respecting slaves, and also expressing fully that no slave was to be imported above 14 years of age, I understand that the importation of slaves is admitted of; conforming to the billet N° 5, above alluded to, you will much oblige me by informing me if the deputy commissioner, Colonel Gibbs, admits of my judgment being correct respecting the billet N° 5, and if I am authorized to admit of the importation of slaves into this district, or the subjects of this government.

I have, &c.

Banjowanjie, 27th Feb. 1812. (signed) *G. Knight*, Commissioner, &c.

Resolution.—As the question now brought before the Board, by the letter from Captain Sayer, is a point of considerable importance, and the opinion of that officer, if admitted, would occasion considerable distress and inconvenience, they deem it incumbent upon them to record the reasons which weigh with them, in con-

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sidering the provisions of the British legislature referred to by that officer, as inapplicable to this colony under existing circumstances.

The Board are of opinion, that the late Acts of the British legislature, had solely in view the abolition of the slave trade carried on from the continent of Africa to the West Indies, and to slavery in general as existing in the West India Islands, and could not have reference to any settlement or native states within the limits of the East India Company's exclusive trade, and that even admitting such an extension, the same could not possibly apply to this colony, which at the time was not annexed to the British dominions, and when its interests were unknown to the legislature, and the terms of its future surrender could neither be contemplated or calculated upon.

In the above opinion, the Board are more confirmed by the measures adopted by the Right honourable the Governor General in his proclamation of the 11th September, in which the Dutch laws are directed to remain provisionally in force, under certain modifications, until the pleasure of the supreme authorities in England should be known.

A further consideration arises from the circumstance of the slave trade to the Island of Java being carried on, not in British vessels, or by British subjects, but mostly by people from Bali, Timor, and different parts of the Celebes and other Islands to the eastward which are neutral states, and rather to be considered as allies than subjects of the British power.

The Board are aware of the delicate situation in which Captain Sayer is placed, under the orders he has received from the commander-in-chief, but indulge a confident expectation, that on a consideration of the above reasons, he will feel himself warranted to suspend the operation of the orders he has received, until a reference is made to the supreme authorities in India on the subject. Should however Captain Sayer, or the officers of His Majesty's navy on this station not be induced to admit these arguments, government will feel it their duty to support the parties whose property may be detained by His Majesty's ships while acting under the existing laws of this colony, leaving the responsibility of such detention, after the explanation now made on the part of government, to the risk of the officers concerned.

In forwarding the above communication, the Board are at the same time desirous of impressing upon the officers of His Majesty's navy, that their attention has been in a particular manner directed to the discontinuance of this traffic as much as possible, and that with the view to discourage the importation, the duty which formerly existed has been doubled, and other regulations have been established, and are now under consideration for the gradual abolition of slavery into the Eastern Islands.

Resolved, That a copy of the resolutions be transmitted to Messrs. Muntinghe and Cranssen, with the request of the Board, that they will furnish, as early as practicable, their report on the points to which their attention was, shortly after the departure of the Governor General, directed by the Honourable the Lieutenant Governor.

Ordered, That an extract of the Board's proceedings of this date be transmitted, with the correspondence, from Captain Sayer, by the first opportunity, for the information and instructions of the supreme government.

(A true extract.) (signed) *J. Davidson*,
Acting Secretary to Government.

The Governor General in council observes, on a perusal of the foregoing letter, that as the sentiments of this government, on the construction to be given to the Act of the 51st Geo. 3, have already been communicated to the government of Java, it is become unnecessary to take into consideration the arrangement projected by them for preventing the inconvenience experienced from the proceedings of His Majesty's navy in giving effect to the Act in question.

Extract, Bengal Civil Colonial Consultations, 12th June 1813.

Government of Java, to the Right honourable Gilbert Lord Minto, Governor General in Council, Fort William.

N° 6.

My Lord:—We have the honour of acknowledging the receipt of your Lordship's despatch, under date the 17th October last, regarding slavery on this island, and also copies of the Act of Parliament passed in the 47th year of His Majesty's reign, for the more complete abolition of the slave trade in the British dominions.

2.—By

2.—By a dispatch forwarded in January last, per His Majesty's sloop Barrocanta, your Lordship will have perceived, that the importation of slaves into this island and its dependencies, after the commencement of the present year, had been entirely prohibited by an order of this government, under date the 18th November last, and it remained a doubt with us only how far it would be necessary to restrict the conveyance by sea from one part of the island to another, of slaves which were not intended for sale, but were the domestic servants of the residents on this island. The arrival of your Lordship's dispatches having placed us in possession of the sentiments of the supreme government on the subject, we resolved, that the Act of Parliament should be immediately promulgated and enforced throughout this island and its dependencies, which has accordingly been done, and with a view to secure the neighbouring Eastern states, as much as possible, from any consequences that might arise from their being unacquainted with the Acts of the British legislature, and being consequently liable to detention by His Majesty's ships, we have deemed it advisable to send a communication thereof to each of them.

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Enclosure, N° 1.

3.—The constant use of slaves as private servants, and more especially in the navigation of trading prows in this part of the world, affords considerable grounds for apprehension, that unpleasant consequences might arise from an indiscriminate detention or capture of such vessels, which, though trading under their own flag, may be considered in some measure dependent upon the British government. It has therefore been of greater importance, that they should be fully apprized of the consequences to which they become liable, and it is to be hoped, that this public discouragement and communication on the part of this government, aided by a cordial co-operation and mild conduct on the part of His Majesty's cruizers, will, at the same time, prevent any of the unpleasant consequences that might be expected to result from a sudden and unexpected change, and will tend by degrees, to abolish the employment of slaves entirely among the Eastern Islands.

We have the honour to annex copies of our minutes, and of the instructions given to Captain Hanson, who is employed on this service, and we trust that we shall be found to have carried into effect the spirit and intention of your Lordship instructions, and of the Act of the Britsh legislature.

Enclosures, N°s 2 & 3.

We are, &c.

(signed) *Thomas Raffles,*
Robert R. Gillespie, M.G.
H. W. Montinghe,
W. Carnege.

Batavia, the 19th April 1813.

ADVERTISEMENT:—Notice is hereby given, That from and after the 1st day of January 1813, the importation of slaves into the Island of Java and its dependencies, will be strictly prohibited. N° 7.

Further regulations and orders on this subject will be published hereafter.

By order of the Honourable the Lieutenant Governor in council.

(signed) *C. G. Blagrave,* Acting Sec^{y} to Government.

Batavia, the 18th November 1812.

Extract, proceedings of the Honourable the Lieutenant Governor in council. N° 8.

Batavia, the 5th February 1813.

With reference to the proceedings of the 20th ultimo, the following minutes are recorded.

Minute, by the Lieutenant Governor.

Having given my full consideration to the dispatch from the supreme government, and to the Act of Parliament on the subject of the slave trade received therewith, I am clearly of opinion, that the provisions of the Act are so explicit, as to render it absolutely necessary, that it be promulgated in this island and its dependencies, without delay.

The resolutions of the Board, which has already had effect since the 1st January last, is perfectly consonant to the intentions of the legislature, so far as any further traffic in slaves to this island is concerned; but the full and immediate publication of the Act itself is still necessary.

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I therefore propose, that the said Act be published in the English and Dutch languages, in the Government Gazette, and circulated in the native languages; and that the importation of slaves by sea be publicly declared to be prohibited under the penalties of the law.

(signed) *Thomas Raffles.*

Minute, by the Commander of the Forces.

The copy of an Act of Parliament having been transmitted to this government, with instructions from Bengal to adopt the necessary measures on this island, for the purpose of giving effect to the intentions of the legislature; and the Board having deferred their decision to deliberate on the mode of promulgating the same, the commander of the forces would premise that the intention of the legislature in this Act is an unqualified abolition of the slave trade upon the "principles of "justice, humanity, and sound policy," without adverting to the consequences which might anywhere arise from the sudden and material change necessarily produced, allowing time only for the promulgation of this decision.

It appears manifest that the penalties of the Act have been incurred since the 1st January 1812, however unconsciously, by all concerned in the slave trade; and that the commanders and officers of His Majesty's ships and vessels could lawfully have seized them under the former Act.

The commander of the forces is therefore of opinion, that it remains only with this government to give it publicity in the most expeditious and general manner, as well to give effect to the intentions of the legislature as to secure all persons at present ignorant of the nature and intent of this Act from further incurring its pains and penalties.

Weltcoreeden, 26th Jan. 1813. (signed) *R. R. Gillespie,* Major General.

Minute, by H. W. Muntinghe, Esq.

The doubt which I felt with regard to the practicability of enforcing the whole of the Act of Parliament for prohibiting the slave trade in future, having chiefly arisen from a consideration, whether the fourth clause of that Act might be deemed applicable to this settlement, as well as to any British possession in the West Indies; and it appearing to me, after a mature consideration of the expressions in the said fourth clause of the Act, that the intention of the legislature is, that it should operate in any future British colony, in which this island therefore is included, I feel no hesitation in fully concurring in the sentiments of the Honourable the Lieutenant Governor, that the Act itself should be published without delay.

(signed) *H. W. Muntinghe.*

Mr. Cranssen concurs in the opinion already recorded.

Ordered, That the following proclamation be published forthwith.

PROCLAMATION.

The Honourable the Lieutenant Governor in council is pleased to direct, that the following Act of Parliament relating to the traffic in slaves be published for general information; and with reference to the publication of the 18th November 1812, now to declare, that the future importation of slaves by sea is prohibited under the penalties of the said Act of Parliament; and in order that no person may plead ignorance hereof, this proclamation, as well as the said Act of Parliament, is directed to be published in the English and Dutch languages in the Government Gazette, and to be translated into the native languages, and affixed at the usual places at Batavia, Samarang and Sourabaya.

Here follows the Act of Parliament, already recorded in the proceedings of the 22d ultimo.

Done at Batavia, this 5th day of February 1813, by me, the Lieutenant Governor of Java and its Dependencies. (signed) *T. S. Raffles.*

By order of the Honourable the Lieutenant Governor in Council.

(signed) *C. Assey,* Assistant Secretary to Government.

Ordered also, That copies of this proclamation and of the Act of Parliament be sent to the several local authorities along the coast and at the different dependencies, and to the collectors, with instructions to use their best exertions, and to afford every assistance in carrying into effect the intentions of the British legislature.

(True Copies and Extracts.) (signed) *C. Assey,* Secretary to Government.

(Copy.) Service.

To Captain Phillips, Resident at Macassar.

Sir:—The Honourable the Lieutenant Governor in council having deemed it advisable that the spirit and intent of the British Acts of Parliament concerning the slave trade, should be fully explained at Macassar, and to the several native chiefs who are under the immediate connection or control of your Residency, I am directed to transmit to you a copy of the last Act, with a translation into the Dutch language, and to desire that the same may be duly promulgated at Macassar with the proclamation on the subject, which you will observe in one of the government Gazettes transmitted to you by this opportunity, and which is to be enforced under your authority. It is further left to your discretion and judgment, to explain to the several chieftains in the most conciliatory and satisfactory manner possible, the intent and meaning of the British legislature, and to obtain their aid and concurrence in the abolition of the slave trade, it being clearly explained to them, that the British government will on no account sanction the traffic, or afford protection to their vessels and prows, if employed therein or connected therewith.

Lieutenant Hanson proceeds for this purpose to the islands depending on this government, but his mission does not extend to any of the chiefs or islands which are under the immediate connection of Macassar.

Batavia, 1st March 1813. I have, &c.

(signed) *C. Assey*, Assistant Secretary to Government.

To Captain Hanson, &c. &c. &c.

Sir:—The Honourable the Lieutenant Governor in council having deemed it advisable that the spirit and intent of the British Legislature in their Acts regarding the abolition of the slave trade should be explained to the chiefs of the Eastern Islands dependent on or connected with this government, he has been pleased to appoint you to proceed on a mission for this purpose.

2.—You will accordingly embark on board His Majesty's ship Hecate, the captain of which vessel is proceeding in the first instance to Macassar, and from thence to other islands dependent of this colony.

3.—On your arrival at Macassar you will deliver to Captain Phillips, the resident at that place, the packet addressed to him; the object of your mission does not extend to any of the chiefs who are under the immediate connection and control of Macassar.

4.—From thence His Majesty's ship Hecate will touch at Timour Bali, and probably at Sambaroa; at these and any other native ports you will endeavour to make known the purport and intent of the Act, and deliver a copy in English and Dutch languages, wherever there are any European residents. It is left to your discretion and judgment to explain to the several chieftains, in the most conciliatory and satisfactory manner possible, the advantages that will result to themselves by an abolition of the slave trade, and by retaining the inhabitants of their respective countries in peaceable commerce and industry; you will endeavour to satisfy them that this abolition of the traffic will be eventually as valuable to themselves as it is important to society in general; and you will not fail to impress upon their minds, that the British government will not on any account support the traffic or afford protection to their prows if employed therein or connected therewith.

5.—You are authorized to entertain an interpreter during the present mission, on a salary of seventy Spanish dollars per month, and you will not fail to keep a regular journal of your proceedings and observations for the information of government upon your return.

Batavia, the 1st March 1813. I have, &c.

(signed) *C. Assey*, Assistant Secretary to Government.

To J. Drury, Esq. Captain of His Majesty's Ship Hecate.

Sir:—The public service requiring that an officer should be sent on a tour among the Eastern Islands dependent upon this government, for the purpose of explaining to the several chieftains the nature of the British Acts of Parliament on the subject of the slave trade, and the absolute necessity of their refraining from that traffic in future, I am directed by the Honourable the Lieutenant Governor to request, that as

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you are about to cruize in that direction you will accommodate Lieutenant Hanson, who is deputed for this purpose, and his interpreter. It will be desirable that Lieutenant Hanson should proceed in the first instance to Macassar, and from thence to Timor and Bali and Sambaroa, or any of the native ports which may be within your course; and on your return, it is requested that you will touch at Saurabaya and Samarang, at which places the residents will be directed to send on board your ship such treasure as may then be disposable, for the purpose of its being conveyed, with the least practicable delay, to Batavia. On this account the Lieutenant Governor is anxious that the cruize should be completed so as to return to Batavia as early as possible after the change of the monsoon.

Batavia, 1st March 1813. I have, &c.
(signed) *C. Assey*, Assistant Secretary to Government.

Resolved, That the following letter be written to the government of Java in reply.

To the Honourable Thomas S. Raffles, Esq. Lieutenant Governor in Council of Java.

N° 10.

Honourable Sir:—We have had the honour to receive your letter of the 19th April, with its enclosures, and we entirely approve of the steps which you have taken for the purpose of apprizing the chiefs of the neighbouring islands of the consequences to which their subjects will be exposed by continuing to carry on a traffic in slaves, or by transporting slaves by sea to a British port, contrary to the provisions of the late Act of the legislature.

2.—We are sensible that much inconvenience is to be apprehended from the sudden and peremptory enforcement of this law before the inhabitants of the Eastern Islands have become thoroughly acquainted with its object and provisions; and we are aware also, that doubts may justly be entertained with respect to the application of the Act to the case of domestic slaves accompanying their masters from one island to another, or from one port to another in the same island, and also to the case of slaves employed in the navigation of the native vessels, and not intended for sale; but as this government possess no authority to determine the proper application of the Act, we can only hope that the officers of His Majesty's navy will exercise that degree of forbearance and discretion which will prevent injustice to individuals, and at the same time obviate those fatal consequences which must result if the inhabitants of the Eastern Islands should determine generally to resist the attempt to enforce the law, or should proceed to retaliate for any real or supposed injury which may have provoked their resentment.

Fort William, the 12th June 1813. We have, &c.
(signed) *Minto.* *N. B. Edmonstone.* *A. Seton.*

Resolved, That a copy of the letter from the government of Java, bearing date the 19th April, with copy of the reply above recorded, be transmitted to the naval commander-in-chief.

Extract, Bengal Civil Colonial Consultations, 16th August 1813.

The secretary reports, that the following letter from the acting secretary to the government of Java, was referred to the government of Fort St. George, on the 5th June last.

Acting Secretary at Java, to Henry St. George Tucker, Esq. Secretary to the Supreme Government, Colonial Department, Fort William.

N° 22.

Sir:—Pursuant to the direction of the Honourable the Lieutenant Governor in council, I have the honour to transmit to you for the information and decision of the Right honourable the Governor General in council, the accompanying extract from the proceedings of the government in the public department, together with copies of the various documents therein referred to, relative to a vessel belonging to some Chinese inhabitants of Batavia, which was seized on her return to this port from Balli, with slaves on board, by one of His Majesty's then on this station, and sent to Madras for condemnation, by the Vice Admiralty Court.

I have the honour to be, &c.
(signed) *C. G. Blagrave*, A. S. S. to Government.

Secretary's Office, Batavia, 10th January 1813.

Extract from the proceedings of the Honourable the Lieutenant Governor in Council, Batavia, Friday 27th November 1812.

The Lieutenant Governor lays before the Board, a petition from Kam Hianks and Tyam Poenko, two Chinese inhabitants of Batavia, relative to a schooner or vessel called the Guanting, belonging to this port, which was lately seized on her way hither from Baly with slaves, and with her cargo carried to Madras, where it appears she was ultimately ordered to be restored to her owners, by a decree of the Vice Admiralty Court, stating certain pecuniary losses to have accrued to them in consequence of the above proceeding, from the failure of their mercantile speculations, and the eventual unavoidable disposal of the property at Madras, by public sale.

To His Excellency the Hon. Thomas Stamford Raffles, Lieutenant Governor of Java and its dependencies.

The humble Petition of Kam Hianko and Tyam Poenko, Chinamen, inhabitants of Batavia:

Sheweth,—That in the month of January last, the petitioners, with the permission of government, sent a vessel to Baly, with the view of purchasing slaves.

That the above vessel having accomplished the object of her voyage, was on her arrival in the roads of Batavia, taken and sent off by one His Majesty's ships of war.

That the cargo of the above vessel consisted of *one hundred and sixteen slaves*, and a quantity of wax, edible birds nests, cloths, dingding, &c. of which articles the petitioners are unable to ascertain the real amount, owing to the want of the papers of the vessel; that the petitioners are conscious of not having acted contrary to the then existing regulations, and beg leave to recommend their interests most respectfully to your Excellency's notice, and to represent that the slave trade has never been prohibited in this settlement, and that on the contrary, an article of the custom house regulations, establishing a duty of thirty rix dollars on slaves imported, seemed tacitly to sanction mercantile operations of that nature.

The petitioners indulge the hope, that your Excellency, on a consideration of the above circumstances, will be pleased to adopt such measures as your Excellency may deem proper, in order to prevent the petitioners and their families from being totally ruined, not only, but moreover from being involved in debts which they would never be able to discharge, and the petitioners as in duty bound, shall ever pray. Signed in Chinese characters, by *Kam Hianko* and *Cham Poenko*.

Batavia, the 28th October 1812.

Ordered, That the said petition, with inclosures, five in number, be referred to a commission, consisting of a member of the court of justice, one of the magistrates, and Mr. William Young, and that the following instructions be issued to them accordingly.

To Messrs. Dewitt, Venis and Young.

Gentlemen:—A petition having been received from Kam Hianko and Tyam Poenko, two Chinese inhabitants, relative to a schooner or vessel called the Guanting, belonging to this port, which was lately seized on her way hither from Baly with slaves, and with her cargo carried to Madras, where it appears she was ultimately ordered to be restored to her owners, by a decree of the Vice Admiralty Court, stating certain pecuniary losses to have accrued to them in consequence of the above proceedings, from the failure of their mercantile speculation, and the eventual unavoidable disposal of the property at Madras, by public sale, under the circumstances therein mentioned, I am directed to acquaint you, that the Honourable the Lieutenant Governor in council has been pleased to appoint you a committee to inquire into the particulars of the transactions above alluded to, and the truth of the statements therein contained, according to the best information you may be able to obtain, to ascertain upon the best and most satisfactory grounds, the nature and extent of the loss, if any, which may appear to you to have been actually and *bonâ fide* sustained by the petitioners, from the causes alleged, upon a proper consideration of all the circumstances, and to report thereon for the information of government.

You will accordingly assemble at time and places most convenient, calling on the petitioners to furnish you with the requisite information and documents, and on such

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others whose information may be material in the premises, to attend for the purpose of undergoing the necessary interrogations, enabling you to carry these instructions into effect.

The petition, together with the several accompanying papers, are herewith transmitted to you.

I am, &c.

(signed) *C. G. Blagrave*, Acting Secretary to Government.

Extract from the proceedings of the Honourable the Lieutenant Governor in Council, Batavia, the 5th January 1813.

With reference to the proceedings of the 27th November last, the following report of the Committee appointed to investigate the petition of certain Chinese, whose vessel was detained by His Majesty's ship Cornelia, and sent for condemnation to Madras, is now recorded.

To C. G. Blagrave, Esq. Acting Secretary to the Government.

Sir:—We have the honour to acknowledge the receipt of your letter under date the 28th ult. inclosing an original petition from Kam Hionko and Tyam Poenko, (Chinese), together with several other papers relative to a small vessel called the Guanting, and her cargo, and stating, that the Honourable the Lieutenant Governor in council had been pleased to appoint us a Committee for the purpose of investigating the affair and circumstances therein mentioned, and reporting thereon, for the information of government.

In obedience to the commands of his Excellency in council, we caused to appear before us, the two Chinese above-mentioned, and after explaining the purport of your letter, called on them to produce the necessary documents in verification of their statement, to prove to us in the first place, that they had in themselves, as the legal owners, the sole and absolute property of the whole vessel and merchandize; and in the next, the real value of both, with the quantity, quality, and description of the different articles comprehended in the latter, in order that we might be enabled to ascertain with precision and accuracy, whether any and what damage had actually and *bonâ fide* arisen on the mercantile speculation of the petitioners, by reason of the alleged failure thereof.

But it was stated to us by the petitioners, that the papers, such as the passport and other documents which would have served to elucidate some of the principal points, both as to vessel and cargo, were not now forthcoming, inasmuch as the same had been conveyed to Madras, and delivered into the Vice Admiralty Court, in consequence of a suit which was there lately instituted, with a view to a condemnation of the property, and that therefore they were not able to comply with our demand in this respect.

Under this circumstance, and conceiving from the notoriety of the matter (the property and right of the petitioners in the premises moreover not being dispatched by or on behalf of any person), that there could hardly exist a doubt as to the fact, we proceeded to make an inquiry generally into the nature and circumstances of the transaction alluded to in the petition, the result of which, according to the information we have been able to obtain, we beg leave to communicate as follows:

The two Chinese-men, Kam Hianko and Tyem Poenko, are inhabitants of Batavia, and being concerned as joint owners of the sloop, the Guanting (which was built by the said Kam Kianko), in or about the month of January last, fitted her out for a trip to Baly on a mercantile adventure, shipped on board a cargo, chiefly consisting of tin, iron, cloths, and sundries, and sent her in charge of a Chinese commander, or noquedah named Oey Pigho; the vessel arrived at Baly, where she lay about two months and a half, sold all her original cargo with the exception of the tin, for which an adequate price could not be had, and took in other goods, such as birds nests, rice, wax, piece-goods, &c., as a return cargo for this market.

During the stay at Baly, a number, amounting to one hundred and sixteen, slaves (male and female), were received on board as freight belonging to several Chinese who reside at Batavia, and who purchased them agreeably to the custom and usage then commonly prevalent; in which transaction, however, the two petitioners seem to have had no concern or interest save in the freight, which was to have been paid here,

here, excepting only as to four of the slaves which were purchased on their account, and considered to belong to them.

She then sailed with her merchandize, and having the above-mentioned freighted slaves on board for Batavia, touching intermediately at Griessie, and arrived in these roads some time early in July last, when she was seized, taken possession of, and detained by His Majesty's ship Cornelia, W. F. W. Owen, Esq. captain.

The greater part of the slaves (but the number we have not been able to ascertain) was landed and distributed among different persons under some arrangement, in consequence of which it is said, the sum of Spanish dollars was to have been received for each of the persons thus appropriated; a portion of the cargo and four guns were also landed and placed in charge of the agent of Captain Owen, and the vessel, with her remaining cargo, the Chinese noquedah and four other Chinese carried to Madras, where, after a suit in the Vice Admiralty Court, she was ordered to be restored, but the costs to be nevertheless levied thereon.

In consequence of which, the vessel and remaining cargo were sold by auction at Madras, and upon the final close of accounts, after deducting the expenses of the law suit, and all other charges, including commission, &c. it appears that the Chinese noquedah, on behalf of his owners, received a draft on Thomas Wallis, esq. of this place for the net balance, viz. star pagodas 868,41,44, or Spanish dollars, 1,389. 70 cents.

It appears that the articles landed here (except an iron gun, lately returned to the Chinese) have been disposed of by Mr. Wallis, who holds the proceeds, amounting to Spanish dollars, 508. 41½.

And it also appears, that the sum of Spanish dollars 1,120, received from some of the present holders of a few of the slaves on the island, likewise remains unappropriated in the hands of the same gentleman.

Thus, in consequence of the failure of the mercantile speculation, from unforeseen causes, the proceedings at Madras, which terminated in the Chinese being subjected to law and other charges, and the eventual unavoidable disposal, by public sale, of their property at an unsuitable market, and certainly under disadvantageous circumstances, the loss in question is stated to have accrued.

To ascertain which in the best manner possible, in the absence of regular vouchers, we proceeded to make up,

1st. An account of the cargo at the alleged prime cost at Baly, shewing a deficit or *estimated actual* loss, including the value of the sloop, the stores, &c. after all requisite deductions, of Spanish dollars 4,578. 55½:

And 2dly. A similar account, with sale price of the goods in this market in July last, shewing a deficiency, or the *estimated presumed* loss according thereto, of Spanish dollars 5,933. 12½. The prices contained herein were certified to us by Tan Ramko, the Chinese appraiser, employed in the custom-house at Batavia, whose attestation thereof will be found at the foot of the account.

We have deemed it proper to present the accounts above-mentioned under the two distinct heads, in order that, in the event of the Honourable the Lieutenant Governor in council being pleased to comply with the petition of the Chinese in granting to them some compensation for their loss, that his Excellency may be enabled to determine to what extent or in what proportion such indemnification should be made in this instance to the individual sufferers, in consideration of the special circumstances of the case.

These accounts, marked (A.) and (B.) with the subjoined declaration, marked (C.) we have the honour to transmit to you, with a request that you will be pleased to lay the same before his Excellency in council.

Having also called on the several proprietors of the slaves purchased at Baly to state to us the prices by them respectively paid, together with other requisite particulars on this subject, we have, according to the information of these persons, made up a statement, exhibiting the total sum laid out on this account by them, of Spanish dollars 11,193. We understand that of the original number (116), only a part of the slaves remain on the island, dispersed in the domestic service of certain individuals, under an arrangement made by Captain Owen, and that a few have since died; but not having seen any of them, nor had any full or authentic information on this matter, it is impossible for us to state the number now here, their age, the manner of their appropriation at present, or any further particulars.

The above statement, marked (D.), together with an account rendered to us by Mr. Wallis, marked (E.), by which it appears that the sum of Spanish dollars 1,120,

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received from some of the present holders of the slaves, remains in his hands, we beg leave to forward, for the purpose of being submitted to his Excellency in council, as containing all the information and materials we are in possession of relative to this affair, in order that such measures may be adopted as may appear necessary and proper.

We return herewith all the enclosures in your letter, and have the honour to be, &c. (signed) *G. H. Dewitt.*

Batavia, the 23d Dec. 1812. *Veeris.* *William Young.*

(A true copy.)

(A.)

ACCOUNT of sundry GOODS and MERCHANDIZE purchased and laden on board the Sloop or Vessel called The Guanting, belonging to Kam Hianko and Tyam Poenko, Chinese, of Batavia, at the Port of Baly, and destined for sale at the Batavian market, with the value and prices according to the original cost, as stated by the abovementioned Chinese.

	Sp. D^{rs}	St.	Sp. D^{rs}	St.
35 Corges of gingang selas and sarong (cloth), at 20 Spanish dollars per corge	700	–		
60 Corges (small) cloth for native women and children's dresses, at 5 Spanish dollars per corge	300	–		
12 Peculs of buffalo grease, at 6 Spanish dollars per pecul	72	–		
1,850 Catties of wax, at 27 Spanish dollars per catty	499	33		
45 Chests of salted eggs, at 6 Spanish dollars per chest	270	–		
22 Peculs of dingding or dried meat, at 2½ Spanish dollars per pecul	55	–		
8 Coyangs of rice, at 25 Spanish dollars per coyang	200	–		
60 Catties of tortoiseshell, at 2 Spanish dollars per catty	120	–		
40 Catties of birds' nests, at 20 Spanish dollars per catty	800	–		
Krae manies surebwood, 3 peculs, at 3 Spanish dollars per pecul	9	–		
Mosvow, used in medicines, 3 peculs, at 12 Spanish dollars p' pecul	36	–		
8 Planks for China coffins	30	–		
Hydes, 35 in number	7	–		
6 Peculs of dried fish, at 16 Spanish dollars per pecul	96	–		
			3,194	33
To which is added,—				
771 Catties of tin, originally purchased at Batavia, for sale at Baly; but not being disposed of at the latter place, the same, with the other goods, remained on board of the vessel at her captures, at 30 Spanish dollars per pecul	231	–		
Also, 50 carrongs, containing 25 peculs of dried shrimps, purchased at Grissu, at 12 Spanish dollars per pecul	300	–		
Total prime cost of cargo, Spanish dollars			3,725	33
The sloop Guanting, with her tackle, rigging, &c. Sp^{h} d^{rs}	1,540			
1 Pair large brass guns	360			
1 d° smaller d°	165			
1 Iron gun	50			
		575		
6 Muskets, 1 blunderbuss, &c.				
3 Casks of gunpowder	100			
Total of sloop, her stores, ammunition, &c. Spanish dollars			2,215	–
Total of sloop and her merchandize at prime cost, Spanish D^{rs}			5,940	33
CHARGES and EXPENSES incurred on account of duties, victuals, &c. provisions supplied and wages paid to the crew, &c. at Baly:				
Victuals found and provisions supplied 2 months and a half	282			
Anchorage duty	7			
Wages to seamen	63			
D° to cook	15			
D° to gunner	15			
D° to a writer	15			
D° to a mate	30			
D° to noquedah	60			
Total expense at Baly	487			
Carried forward			5,940	33

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ACCOUNT (A.)—*continued.*

		Sp. Drs.	St.	Sp. Drs.	St.
Brought forward - - -		5,940	33		
At Griessie:—					
Anchorage and fee for pass, &c. - - - - - -	38				
Advance to crew. &c. - - - - - - -	63				
Victuals and provisions laden - - - - - - -	26				
Total expense at Griessie - - - - - -	127				
Total charges, &c. Spanish dollars - - - - -		614	–		
GRAND TOTAL of sloop Guanting, her stores and cargo, including to prime cost, Spanish dollars - - - - -				6,554	33
From which amount is to be deducted as follows; viz. net balance of vessel and goods sold at Madras, after deducting law charges and costs of suit, charges, merchandize, agency commission, &c. as per account current, Spanish dollars - - - - - -		1,389	–		
Cash received by noquedah as paid, star pagodas 17. 6. 30, or Spanish dollars - - - - - - - - - - -		28	–		
Amount receivable from Thomas Wallis, Esq. on account of sundries sold by him as per account - - - - - - - -		508	41 ½		
Amount of one gun, delivered back to the Chinamen by Mr. Wallis		50	–		
				1,975	41 ½
Deficit or total estimated amount of actual loss on the stated prime cost of vessel and cargo, Spanish dollars - - - - - - - -				4,578	55 ½

The name and signature of *Kam Hianko.*

The name and signature of *Tyam Poenko.*

(B.)

ACCOUNT of sundry GOODS and MERCHANDIZE purchased and shipped on board the Sloop or Vessel called the Guanting, belonging to Kam Hianko and Tyam Poenko, Chinese, at the Port of Baly, and destined for sale at Batavia, with the value of the same, including the cost of the vessel, stores, &c. according to the estimated sale price of the different articles in the Batavian Market in July last, as stated by the abovementioned Chinese, and certified to the Committee by Tam Kamko, Chinese appraiser, attached to the Custom House.

	Sp. Drs.	St.	Sp. Drs.	St.
35 Corges of ginggang selas and sarong (cloth) at 30 Spanish dollars per corge - - - - - - - - - - - -	1,050	–		
60 Corges (small) cloth for native women and children's dresses, at 7½ Spanish dollars per corge - - - - - - -	450	–		
12 Peculs of buffalo grease, at 10 Spanish dollars per pecul - -	120	–		
1,850 Catties of wax, at 40 Spanish dollars per pecul - - -	740	–		
45 Chests of salted eggs, at 12 Spanish dollars per chest - -	540	–		
22 Peculs of dingding, or dried meat, at 7½ Spanish dollars p' pecul	165	–		
8 Coyangs of fine rice, at 40 Spanish dollars per coyang - -	320	–		
60 Catties of tortoiseshell, at 3 Spanish dollars per catty -	180	–		
40 Catties of birds' nests, at 30 Spanish dollars per catty - -	1,200	–		
3 Peculs of kioo mams, at 6 Spanish dollars per pecul - -	18	–		
Masow (an article used in medicine), 3 peculs, at 12 Spanish dollars per pecul - - - - - - - - - - - -	36			
8 Planks for Chinese coffins - - - - - - - -	30			
Hydes, 35 in number - - - - - - - -	14	–		
6 Peculs of dried fish, at 25 Spanish dollars per pecul - -	150			
	5,013			
To which is added,—				
771 Catties of tin, originally purchased at Batavia, for sale at Baly; but not being disposed of at the latter place, the same, with the other goods, remained on board the vessel at the time of capture, at 30 Spanish dollars per pecul - - - - - -	231			
Also, 50 carrongs, or 25 peculs of dried shrimps, purchased at Griessie, at 18 Spanish dollars per pecul - - -	450			
Total of cargo at the estimated selling price of Batavia, Spanish dollars - Carried forward	5,694	–		

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ACCOUNT (B.)—*continued.*

		Sp. D^{rs} S^{t}.	Sp. D^{rs} S^{t}.
Brought forward - - -		5,694 –	
The sloop Guanting, with her tackle, rigging, &c. Sp^{h} d^{rs}	1,540		
1 pair large brass guns - - - - - -	360		
1 pair small d° - - - - - - -	165		
1 iron gun - - - - - - - -	50		
	575		
6 Muskets, 1 blunderbuss and 3 casks of gunpowder - -	100		
Total of sloop, her stores, ammunition, &c. Spanish dollars		2,215 –	
Total of vessel and merchandize, at the selling price of Batavia, Spanish dollars - - - - - - -		7,909 –	
From which amount is to be deducted as follows: viz. net balance of vessel and goods sold at Madras, after deducting law charges, and costs of suit charges, merchandize, agency, commission, &c., as p' account current, for which a draft was granted on T. Wallis, Esq. Spanish dollars - - - - - -	1,389		
Cash received by noquedah as per account, star pagodas 17. 6. 30, or Spanish dollars - - - - -	28		
Amount receivable from Mr. Wallis, on account of sundries sold by him, per account - - - - -	508 41½		
Amount of one iron gun delivered back to the Chinaman, by Mr. Wallis - - - - - - - - -	50		
		1,975 41 ½	
Deficit or total estimated loss unsatisfied on the vessel and her merchandize, according to the market price of Batavia, Sp^{h} d^{rs}		5,933 12 ½	

The name and signature of *Tyam Poenko.*
The name and signature of *Kam Hianko.*

I, Tam Kamko, appraiser, employed in the Government Custom-house at Batavia, do hereby certify and attest, that the rates annexed to the different articles mentioned in the foregoing account, are reasonable and according to current selling prices of the same in the market of Batavia, in and about the month of July 1812, which I am willing to certify and affirm on oath, as the Honourable the Lieutenant Governor in council may be pleased to direct.

Batavia, the 23d December 1812.

(C.)

Appeared before us, the undersigned Kam Hianko, Tyam Poenko, Oey Pigko, Yappat, Che Hokong, and Khou Peo, and Lim Keou, all natives of China, who jointly and severally make the undermentioned declarations, to wit.

And first, Kam Hianko and Tyam Poenko for themselves declare and affirm, that they are inhabitants of Batavia, and were concerned as joint dimors of the sloop Guanting, lately captured by His Majesty's ship Cornelia; that the several matters of fact and circumstances mentioned in the petition formerly presented by them to the Honourable the Lieutenant Governor in council, dated the 28th October 1812, are just and true; and that the aforesaid vessel, together with the several goods mentioned in the accounts hereunto subjoined, and marked, (A.) and (B.) were the *bonâ fide* property of themselves, upon which they have sustained an *actual* loss according to the aforesaid account marked (A.) And the said Oey Pigko for himself saith, that he was employed as noquedah of the said sloop on the trip to Baly and back to Batavia: And the said Yappat for himself declareth, that he acted in the capacity of writer therein, and did purchase the several goods mentioned in the aforesaid accounts at Baly and Griessie respectively, under the direction of the said Oey Pigko, for which the sums charged were actually disbursed and laid out; and both the said Oey Pigko and Yappat further jointly declare and affirm, that the whole of the aforesaid goods were on board of the vessel *unsold* in their *original good condition* at the time of her capture in Batavia Roads, in or about the month of July last; and further, that they believe the value of the vessel and stores as stated in the above-mentioned accounts to be true and just. And the above-mentioned Che Hokong for himself saith, that he acted as gunner of the said sloop; Chou Peo for himself saith, that he was employed as cook therein; and Lim Keou for his own part declareth, that he was passenger in the same; and the three last-mentioned persons further unite in declaring that they do of their own personal knowledge know, and are well aware, that all and sundry the goods afore-mentioned belonging to the said Kam Hianko and Tyam Poenko were absolutely and actually on board the said sloop at the time of her seizure abovementioned.

And lastly, all the before-mentioned persons do also further declare, that they are ready and willing to verify their several delarations upon oath or otherwise, as it may please the Honourable the Lieutenant Governor in Council to direct.

Signed in Chinese characters by

Kam Hianko. *Tyam Poenko.* *Oey Pigko.* *Yappat.*
Che Hokong. *Khou Peo.* *Lim Keou.*

Taken and subscribed at the Stadt House at Batavia, the 23d day of December 1812, before us,
(signed) *G. H. Dewitt.* *Veeris.* *Wm Young.*

(D.)

LIST of SLAVES purchased at Baly, and shipped on board the Sloop Guanting, belonging to the Port of Batavia, and which were on board the said vessel at the time of her Capture in Batavia Roads in July last, containing their number, the Names of the different Proprietors, the Prices paid for them at Baly, and Charges incurred, together with the other Particulars undermentioned, agreeable to the Statements of the Chinese Proprietors.

Number.	NAME of the SLAVES.	SEX.	AGE.	NAME of the different PROPRIETORS.	Original Cost at BALY.	Charges and Sundry Expenses.	TOTAL.	REMARKS.
			Years.					
1	Name unknown	Girl						
2	,,	d°						
3	,,	d°						
4	,,	d°						
5	,,	d°	From 9 to 14.					
6	,,	Boy		Lee Tamko -	861 –	115 –	976 –	
7	,,	d°						
8	,,	d°						
9	,,	d°						
10	,,	d°						
11	,,	d°						
12	,,	Girl						The Proprietor having died, the annexed particulars were given by Tjam Poenko.
13	,,	d°	10 to 12	Tang Tang Ko	256 –	30 –	286 –	
14	,,	d°						
15	,,	d°	d°	Tan Huko - -	159 –	20 –	179 –	
16	,,	d°						
17	,,	d°						
18	,,	d°						
19	,,	d°	From 10 to 13.	Lem Keanke -	517 –	60 –	577	
20	,,	d°						
21	,,	Boy						
22	,,	d°						
23	,,	Girl						
24	,,	d°						
25	,,	d°						
26	,,	d°						
27	,,	d°						
28	,,	d°	From 8 to 14.	Tam Kaunko	1,100 –	132	1,232	
29	,,	d°						
30	,,	d°						
31	,,	d°						
32	,,	d°						
33	,,	d°						
34	,,	Boy						
35	,,	Girl	From 13 to 14.					
36	,,	Boy		Gouw.				The Proprietor of these Slaves being unable to attend from illness, the particulars were given by Tjam Poenko.
37	,,	d°		Djoenkos	163 –	25	188 –	
38	,,	d°						

(*continued.*)

ACCOUNT (D.)—*continued.*

Number.	NAME of the SLAVES.	SEX.	AGE.	NAME of the different PROPRIETORS.	Original Cost at BALY.	Charges and Sundry Expenses.	TOTAL.	REMARKS.
			Years.					
39	Name unknown	Girl						
40	,,	d°						
41	,,	d°						
42	,,	d°	From 9 to 13.					
43	,,	d°		Tam Leatko -	657 –	94 –	751 –	The Proprietor being absent, the statement of the annexed particulars was made by Tjam Poenko.
44	,,	d°						
45	,,	d°						
46	,,	Boy						
47	,,	d°						
48	,,	d°						
49	,,	Girl						
50	,,	d°						
51	,,	d°	d°	Oey Tjokes -	470 –	50 –	520 –	
52	,,	d°						
53	,,	d°						
54	,,	d°	From 10 to 13.					
55	,,	d°						
56	,,	Boy		Oey Infjed -	210 –	40 –	250 –	
57	,,	d°						
58	,,	Girl	d°	Tjam.				
59	,,	d°	d°	Tunko - -	179 –	20 –	199 –	
60	,,	d°	d°	Lim.				
61	,,	d°	d°	Tjanko - -	180 –	20 –	200 –	
62	,,	d°	From					
63	,,	d°	9 to	Tronghoe - -	330 –	41 –	371 –	
64	,,	d°	12					
65	,,	d°	- -	Tjoa Gantos -	84 –	11 –	95 –	
66	,,	d°						
67	,,	d°						
68	,,	d°	13	To Tonko -	597 –	63 –	660 –	
69	,,	d°						
70	,,	Boy						
71	,,	d°	d°	Tjee Toenko -	170 –	24 –	194	
72	,,	Girl						
73	,,	d°						
74	,,	d°	- -	Tjee Hankong	317 –	36 –	353 –	
75	,,	d°						
76	,,	d°						
77	,,	d°	d°	Oey Heanko -	343 –	35 –	378 –	
78	,,	d°	13 to 14.					
79	,,	d°		Tis Keatko -	218 –	22 –	240 –	
80	,,	d°						
81	,,	d°	From 9 to 13.					
82	,,	d°						
83	,,	d°		Keo Boeko -	361 –	45	406 –	
84	,,	d°						
85	,,	d°	From					
86	,,	Boy	12 to	Tea Tanko -	268 –	30 –	298 –	
87	,,	d°	14.					

ACCOUNT (D).—*continued.*

Number.	NAME of the SLAVES.	SEX.	AGE.	NAME of the different PROPRIETORS.	Original Cost at BALY.	Charges and Sundry Expenses.	TOTAL.	REMARKS.
			Years.					
88	Name unknown	Girl	From					
89	„	d°	11 to	Qua Inko - -	304 –	31 –	335 –	
90	„	d°	14.					
91	„	d°	12	Oey Ko - -	95 –	10 –	105 –	
92	„	d°	14	Kouw.				
93	„	d°	From 10 to 13.	Ticko - - -	64 –	10 –	74 –	
94	„	d°		Na.				
95	„	d°		Boanka - -	290 –	39 –	329 –	The Proprietor of these Slaves not being able to attend from ill health, the statement was made by Tjam Poenko.
96	„	Boy						
97	„	Girl	11 to	Oey Pekkoe.				
98	„	d°	14					
99	„	d°						
100	„	d°						
101	„	d°						
102	„	d°						
103	„	d°						
104	„	d°						
105	„	d°	- -	Oey Setjin -	555 –	58 –	613 –	
106	„	Boy						
107	„	d°						
108	„	Girl	d°	Yap Boetko -	216 –	22 –	238 –	
109	„	d°						
110	„							
111	„	Boy	d°	Sean Goanko -	184 –	22 –	206 –	
112	„	Girl	From 13 to 14.					
113	„	d°		Goan Timko -	351 –	44 –	395 –	
114	„	d°						
115	„	d°						
116	„	Boy	14	Salam - - -	58 –	10 –	68	D° - - - D°
				Grand Total - -	9,985 –	1,208 –	11,193 –*	

The mark × of
Lee Tamko, Tan Hanko, Lim, Keanko.

The mark × of
Jan Kuanko, Oey Tjocke, for himself and *Salam.*

The mark × of
Oey Intie, Tjam Tanko.

Lim Tanko, his × mark.

The mark × of
Jiong Hoe.

Tjsa Gouko, his × mark.

The mark × of
Ko Tong Ko, Tjsoe Toengko, Tjie Hawking.

The mark × of
Yeo Keatko, Koe Bocko.

The mark × of
Tee Jamko, Qua Imko.

The mark × of
Lie Oey Ko.

The mark × of
Koun Ticko, Oey Pekko, Oey Soctjie, Jap, Boetko.

The mark × of
Sean Goanko.

The Name of the Concern, *Guanting.*

Batavia, 23d December 1812.

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(E.)

AN ACCOUNT of CASH received on account of the Slave Vessels detained by His Majesty's Ships Cornelia and Africane.

Time received.	For what Goods, &c.	Amount Sp. Dols.	Stivr's.
1812.			
21 July - -	By cash received from Sow Kangko, a Chinaman, for goods landed by Captain Owen, out of the vessel taken to Madras, viz.		
	17 5/8 catties, or 23 1/2 lbs. of birds nests, at 10 Sp. dollars per catty -	176	16
	24 87/125 peculs, or 3,087 lbs. of dry gurnets, at 8 Sp. dollars per pecul	197	36
	4 66/125 d°, or 566 lbs. of dried sharks fins, at 8 d° per d° -	36	14
	5 25/125 d°, or 650 lbs. of sentock and sweet wood, at 6 d° per d° -	31	12
	6 42/125 d°, or 792 lbs. of hides - - - - - at 2 d° per d° -	12	43
	8 China coffin planks - - - - - - - - -	8	–
	By cash of Captain James Callender, for two boys bound apprentice to him - - - - - - - - - - -	80	–
	By cash from Mrs. Makepeace, for two girls taken as apprentices -	80	–
23 July - -	By cash for four boys taken as apprentices by Mr. Thomas Dalton	160	–
	By cash from Mr. Van Pauhuys, for two boys and one girl taken as apprentices - - - - - - - - - -	120	–
D° - -	To cash of Mr. De Serun, for six boys and two girls taken as apprentices - - - - - - - - - -	320	–
17 August -	To cash from Mr. Cromey, for two girls d° - - - -	80	–
September	To d° from Lieut. Dalgairns, for two girls d° - - - -	80	–
	To d° from Mr. During, for one girl d° - - - -	40	–
	To d° from Mr. Shrapnell, for three boys and one girl taken as apprentices - - - - - - - - - -	160	–
	Total Spanish dollars - - -	1,581	57

(signed) *Thomas Wallis*, Agent for H. M. Ships Cornelia and Africane.

Amount proceeds of goods, as above - - - - - - - -	461	57
Add° amount guns sold, but not included in the above account. See Mr. Wallis's letter, 95 sicca rupees, or - - - - - -	46	48 1/2
	508	41 1/2
Amount received on account of slaves remaining in Mr. Wallis's hands	1,120	–
Total in Mr. Wallis's hands, Spanish dollars - - -	1,628	41 1/2

Ordered, That a copy of this report, and of the several documents connected with it, be prepared for transmission to Bengal by the first opportunity, for the decision of the supreme government.

(True extracts and copies.) (signed) *C. G Blagrave*,
Acting Secretary to Government.

Council Chamber, Batavia, 5th January 1813.

Secretary at Fort St. George to Henry St. George Tucker, Esq. Secretary to the Government at Fort William.

N° 24.

Sir:—I am directed by his Excellency the Governor in council to acknowledge the receipt of your letter of the 5th ultimo, and to transmit a copy of the decree therein alluded to, together with copies of such papers as appeared to be necessary to be submitted to his Lordship in council for the elucidation of the case to which it refers. I am further desired to return the original papers which accompanied your letter.

I have, &c.

(signed) *D. Hill*, Sec. to Government.

Fort St. George, 16th July 1813.

N° 25.

Vice Admiralty Prize Court, Madras, Thursday the 24th day of September 1812, before the Honourable Sir Thomas A. Strange, Knight, Commissary and Judge, &c. Present, Henry Gahagan, Esq. Registrar.

In the business of the sloop Guanting, one Peche master, taken by His Majesty's ship Cornelia, Captain W. F. Owen:

The King's advocate having been heard on behalf of the captors in this business, and the affidavit and papers, the depositions of witnesses examined on the standing interrogatories, and the allegations filed also on the same behalf, having been read, whereby it appeared that the said sloop, having on board a cargo of one hundred and sixteen slaves, consisting of twenty-six males and ninety females, were captured by His Majesty's said ship off the coast of the island of Java, on her way from the island of Bally to the port of Batavia, for the purpose of traffic in the said slaves, the Court pronounced, declared, and decreed, that the Act of the forty-seventh year of the reign of His present Majesty, which directs the forfeiture of ships and vessels engaged in the slave trade, is confined to the slave trade theretofore carried on to and from the coast of Africa, and that therefore the said schooner not being so employed in such African slave trade was not forfeited under the said Act; but a subsequent Act of Parliament in the fifty-first of His present Majesty having (with exceptions not applicable to the present case) declared and created all manner of dealing in slaves of any description, in any part of the world, by His Majesty's subjects, a high penal offence, and it appearing that the said sloop, navigated by His Majesty's subjects, was concerned in such dealing since the commencement of the operation of the last-mentioned Act of Parliament in the East Indies, the Court ordered the costs of this suit to be levied from and upon the said sloop; and that after payment of such costs, the said sloop to be released from the custody of the marshal of this Court, and decree of restoration to pass the seal.

(signed) *T. A. Strange.*

(A true copy.) (signed) *Henry Gahagan*, Register.

George the Third, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. &c. to William M'Taggart, Marshal of our Vice-Admiralty Court of Madras, &c. and to his Deputy,—Greeting:

Whereas our beloved the Honourable Sir T. A. Strange, Knight, our Commissary Judge in our said Court, and also to hear and determine all and all manner of causes and complaints as to ships and goods taken as prize, specially constituted and appointed in a certain business moved and prosecuted before him in our said Court on the 24th day of September last against the sloop called the Guanting, whereof one Pechoo was master, her tackle, apparel and furniture, and the slaves on board the same, taken by our ship Cornelia, W. T. Owen, Esq. commander, and brought to Madras, rightly and duly proceeding by interlocutory decree, decreed the said sloop to be restored to the said master, for the use of the owners and proprietors, upon payment of all costs in this business: And whereas, on the day of the date hereof, such costs have been paid accordingly (justice so requiring); We do therefore by these presents authorize and empower you, jointly and severally, and as strictly charge and command you, to release the said sloop Guanting from the capture and seizure made in this behalf, and to deliver and restore the same unto the said one Pechoo, the master, for the use of the owners and proprietors thereof; and hereof fail not.

Given at Madras, in our aforesaid Court, under the seal thereof, the 8th day of October in the year of our Lord 1812, and of our reign the 52d.

(signed) *Henry Gahagan*, Registrar.

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(A.)

It is hereby certified, that the export duties have been paid on the undermentioned articles by the sloop Guanting, commander one Pechoo, bound to Baly; viz.

SUNDRIES.

Government Custom-house, Batavia, 10th Feb. 1812. } (signed) *W. Robison*, Collector of Government Customs and Revenues.

(A true copy.) (signed) *Henry Gahagan*, Registrar

(B.)

This is to certify, that one Pechoo, commander of the sloop Guanting, has obtained leave to sail from this port to Bally.

(signed) *W. Y. Cruize*, Judge and Magistrate.

Magistrate's Office, February the 12th, 1812.

(D.)

AMENDBEEN,

Four guns, 3 blunderbusses, 4 firelocks, 3 per gunpowder, and 200 shot

CARGO.

60 commissi balux klelyen.*	6 peculs frine.*
35 d° bruxon keleben.*	3 d° cinnamon.
85 tubles of salted eggs.	3 d° matagy.*
80 catties birds nests.	8 cannoessus rice.
12 pecul grease.	26 men slaves.
22 d° daig ding.*	89 women d°.
40 pieces wood.	20 peculs dried prawns.
15 peculs wax.	

N. B.—The above marked * are Malays names of things, which I do not understand.

N° 12 at Batavia.—Suragen Wahko Sehour, residing at Batavia, has hereby permission to sail from here to Batavia with the sloop of 30 tons; crew, 12 Chinamen and Javanese as sailors, and 47 Chinamen as passengers; arrived here on the 1st July last from Baly.

Augurage received in Ia le Spanish dollars 37.32. Griessse the 7th July 1812.

(signed) *M. Schulty*, Captain Depon^t, Master Attendant.

Ordered, That the following letter be written to the secretary to the government of Java, and that a copy of the letter, and of its enclosure, from the secretary to the government of Fort St. George, above recorded, be transmitted with it.

To C. Assey, Esq. Secretary to the Government of Java.

N° 26.

Sir:—The Right honourable the Governor General in council having deemed it necessary to obtain from Fort St. George copy of the proceedings and decree of the Vice-Admiralty Court at that presidency in the case referred to in your letter of the 10th January last, I am directed by his Lordship in council to request that you will lay before the Honourable the Lieutenant Governor, for his information, the accompanying copy of the documents which have been procured by this government.

2.—The Governor General in council observes, that as the owners of the schooner Guanting must have been entirely ignorant of the provision of the Act of the 51st of His present Majesty, as no prohibition existed against the purchase or transportation of slaves under any law or usage known to the inhabitants of the Eastern Islands; and as the circumstance of a duty having been actually levied on the importation of slaves by the government of Java, and the Moluccas, must have been regarded by individuals as conveying a sort of sanction to the trade; as moreover doubts may well be entertained, whether it could have been the intention of the legislature to extend the Act in question to a colony which had not at the time been subjected to the British authority, the Governor General in council is of opinion, that it is incumbent upon government to manifest every degree of consideration and indulgence towards the parties concerned for the purpose of mitigating the hardship which

which they have suffered from the operation of a law with which they had no means of becoming acquainted, and which probably was not intended to be applied to their particular case.

3.—The Governor General in council, upon these considerations, is of opinion, that the owners of the schooner Guanting should be indemnified for the loss which may have been actually sustained by them in consequence of the seizure and detention of the vessel by the commander of His Majesty's frigate Cornelia; but as the utmost which government can undertake to do in such cases is, to secure the party against loss, his Lordship in council is of opinion, that no allowance can be made to the owners for any supposed profit which might have been derived by them on the voyage. The Governor General in council thinks also, that it will be proper to ascertain very carefully the real value of the vessel and cargo, and that after deducting the proceeds of the sale which may have been realized, the difference or loss should be paid to the owners upon a full acknowledgment from them.

4.—The circumstances of the case will be reported to the Honourable Court of Directors, who will no doubt take any steps which they may judge to be proper for the purpose of obtaining eventually reimbursement of the amount of any expense which may be incurred on this occasion for the purpose of satisfying the claims of an individual upon the national justice.

5.—The Governor General in council observes, that the slaves who appear to have been detained by the commander of His Majesty's frigate Cornelia ought to have been liberated, and his Lordship in council is of opinion, that it may still be incumbent upon the government of Java to take steps for their emancipation, if the Lieutenant Governor should have reason to believe that these persons are regarded and treated as slaves. In this case the individuals who may have paid a consideration for their services, will no doubt be entitled to obtain restitution for the amount from Captain Owen or his agent on the spot; but his Lordship in council is not aware that the parties are entitled to call for the interposition of government to enable them to obtain such restitution.

6.—If, on the other hand, the persons in question should be considered and treated as domestic servants, and the Lieutenant Governor should have reason to be satisfied that their condition would not be improved by removing them from their present situations, the Governor General in council is of opinion, that it will be more prudent to refrain from any interference in the arrangement which has been made, it being always understood that these persons will be entitled to the protection of the law, if any attempt should be made to dispose of them as slaves or to retain them in a state of slavery. I have, &c.

(signed) *H. St. Geo. Tucker*, Sec. to the Government.

Fort William, the 16th August 1813.

Extract, Bengal Civil Colonial Consultations, 24th December 1813.

N° 6.

Naval Commander-in-Chief to his Excellency the Earl of Moira, Governor General in Council, Fort William.

My Lord:—In consequence of a representation I made to the Right honourable the Lords Commissioners of the Admiralty last year, relative to the slave trade in Java and the neighbouring islands, their Lordships have sent for my information and guidance a copy of the opinion of the attorney and solicitor generals; this document will be communicated to the captains and commanders of His Majesty's ships and vessels under my command, for their future instructions, and I have the honour to inclose you a copy of the same. I have, &c.

(signed) *Samuel Hood*,
Vice Admiral and Commander-in-Chief.

Minden, Trincomalee Harbour, 9th November 1813.

To the Right Honourable Earl Bathurst.

N° 7.

My Lord:—We had the honour of receiving your Lordship's letter, dated the 23d February 1813, transmitting to us for our consideration, the inclosed papers relating to the slave trade carried on in Java and the Celebes Islands, and calling our particular attention to those parts of Governor Raffles' letters which state the ground upon which he is disposed to consider it as not falling within the provisions of the Acts 46 Geo. 3, c. 52; 47 Geo. 3, c. 36, and 50 Geo. 3, c. and requesting

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that we would report to your Lordship, for the information of His Royal Highness the Prince Regent, our opinion, whether His Majesty's government would be justified in enforcing these laws with respect to the persons by whom this traffic appears to have been carried on in Java and its vicinity, they being stated in Governor Raffles' letters to be subjects of native states, not under the absolute control of the British government, though in some degree dependent upon Great Britain.

We have accordingly taken the same into our consideration, and have the honour to report to your Lordship, that besides the statutes referred to, there is another Act passed on the 14th May 1811, (the 51st Geo. 3, c. 23.) by which the carrying on the slave trade is prohibited under severe penalties, by any person residing or being within any of the islands, colonies, dominions, &c. now or hereafter belonging to the United Kingdom, or being in His Majesty's occupation or possession, or under the government of the East India Company, the Act to be in force in the East Indian seas, &c. the 1st January 1812.

Under these words, so much of the Island of Java as is in the occupation or possession of His Majesty would be comprehended, and the slave trade therein prohibited, unless there be any thing in the terms of the capitulation to produce a different result. Such parts, however, of the island and its vicinities, the waters and seas adjoining which are not in His Majesty's occupation or possession, and which do not belong to His Majesty or the East India Company, but to independent princes, are not affected by this or any other Act of the British Parliament, nor can their trade be restrained thereby, unless it be carried on in British vessels, or by British subjects or persons resident or being in a British settlement.

We have, &c. (signed) *Thomas Plumer.* *W. Garrow.*

Lincoln's Inn, 3d March 1813.

Ordered, That a copy of the foregoing letter and of its inclosure, be transmitted to the governments at Java and Prince of Wales's Island, and to the resident at Amboyna, for their information.

Resolved, That the following letter be written to the naval commander-in-chief.

No 8. To his Excellency Sir S. Hood, Bart. K. B. Vice Admiral of the Blue, and Commander-in-Chief of His Majesty's ships and vessels employed in the East Indies.

Sir:—We have had the honour to receive your Excellency's letter of the 9th ult. with its inclosure, and we shall not fail to make the necessary communication on the subject, to the government of Java and the other public authorities in the Eastern Seas. The questions which have occurred relating to the Act of the 51st of His present Majesty, prohibiting the transportation of slaves by sea, have already been brought under the notice of the Honourable Court of Directors by this government, and we shall deem it proper also to call the attention of the Honourable Court to the present communication from your Excellency. We have, &c.

(signed) *Moira.* *G. Nugent.*
N. B. Edmondstone. *A. Seton.*

Fort William, 24th December 1813.

Read the following letter.

No 9. Acting Resident at Fort Marlbro' to Henry St. George Tucker, Esq. Secretary to the Government Colonial Department.

Sir:—I beg leave to submit for the information and orders of the Right honourable the Governor General in council, that the promulgation of the Act for rendering more effectual an Act made in the forty-seventh year of His Majesty's reign, intituled, "An Act for the Abolition of the Slave Trade on this coast," has given rise to doubts and some uneasiness.

2.—There is scarcely an individual here (whether European of native maternal parentage, or native of India, &c.) who according to the custom of the country, has not a number of slaves, both male and female, either natives of this island, or of the island of Neas or of islands to the eastward of Sumatra. These slaves are employed as domestics about the house, or as labourers in plantations, &c. The further importation of slaves has some years ago been prohibited, with the acquiescence of the chiefs of the country; but no doubt many are still introduced from the interior of the country. Servants wages and the price of labour are so expensive here, that Europeans

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Europeans and others have, from the earliest date, fallen in with the practice of the country, in the purchase and use of slaves.

3.—I beg permission to enclose extracts from a commentative digest of the laws as administered in the Pangerans Court at this residency, drawn up by the late Mr. Perreau. Under the head of slavery is detailed every thing relative to this class of people, to which I have added that gentleman's remarks on debtors, called Mengheering, not solely because it will be seen that their condition is only slightly moved from slavery, but also because it will be observed that such debtors are liable to be made slaves at the instance of merciless creditors.

4.—The Act sets forth, "That if any subject or subjects of His Majesty, or if "any person or persons residing or being within this United Kingdom, or in any "of the islands, colonies, dominions, forts, settlements, factories, or territories now "or hereafter belonging thereto, or being in His Majesty's occupation or possession, "or under the government of the United Company of Merchants trading to the "East Indies, shall, from and after the First day of June* next, by him or themselves, "or by his or their factors or agents, or otherwise howsoever, carry away or "remove, or aid or assist in the carrying away or removing, as a slave or slaves, "or for the purpose of being sold, transferred, used or dealt with as a slave or "slaves, any person or persons whatsoever from any part of Africa, or from any "other country, territory or place whatsoever, either immediately or by transhipment at sea or otherwise, directly or indirectly, or shall import or bring, &c. &c. &c, "shall be and are hereby declared to be felons, &c. &c. &c." The exceptions in the fourth section of the Act do not appear to extend to the East Indies.

* Date of the Act, 14 May 1811.

5.—Gentlemen or others residing on this coast, are liable to be removed from one place to another on duty, or to quit their own stations on leave of absence, or on account of ill health, &c. On such occasions, the usual method of travelling is by water, and those moving are accompanied by all, or many of their slaves. Several gentlemen or others, themselves stationed or settled at a distance on the coast, have plantations, &c. in the neighbourhood of this residency, and are in the habit of exchanging, &c. their slaves, employed or to be employed as labourers. Several gentlemen, or others, have coasting vessels manned by slaves. Under the Act in question, it appears that persons so transporting or using slaves, are liable to the declared penalties. It would seem that the Act is so construed by commanders of His Majesty's ships of war, for it is reported, that the captain of His Majesty's frigate Cornelia has, on the coast of Java, seized one or more coasting vessels having on board Dutch families with their domestic slaves, which were not released till security for the value of the vessels and cargoes was given, waiting adjudication in England.

6.—His Lordship in council is aware, that there are many public slaves (descendants of native Africans imported into this settlement on account of the Company long since) now here. It is frequently necessary to send these persons over to the Godowns on Rat Island, distant six or eight miles to house weigh, and deliver, &c. pepper. On such occasions the resident would be at a loss how to act in the event of any of His Majesty's ships being in these roads, or coming into them before the return of the Company's slaves from the island, and perhaps it may be considered necessary to furnish instructions for the guidance of the resident in such cases.

I have, &c.

Fort Marlbro', 2d Sept. 1813. (signed) *G. J. Siddons*, Acting Resident.

P. S.—It may be proper to mention, that the slaves of the Company are at liberty to purchase their freedom at fixed sums, viz. dollars 60 for each man or woman, and dollars 40 for each boy or girl. This is sometimes done, though but rarely.

(signed) *G. J. S.*

SLAVERY

N° 10.

Is not only tolerated by the Malay laws, but admitted in the fullest extent; and, until the late philanthropic ordinances of the British senate, restrained its own subjects from engaging in such traffic, and influenced the conduct of those in His Majesty's distant dominions, it was as common to see slaves sold at auction as a lot of sheep.

This country annually drew its supply of slaves from Bally, from Java and from the Neas Islands, from which latter place, a very large number are still sent to supply the northern ports of the coast, about Soosoo, and as far up as Acheen; a very large body of Caffrees were formerly imported by the Company when the settlement was first established, who had been brought from Madagascar and the

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coasts of Africa; but during the last fifteen years, slavery has indeed rather been tolerated than encouraged by the government; and since the last ten, it has been discouraged as much as possible by the Company's authority having interdicted any further importation of them. It would be impossible, however, to annihilate it entirely, without being the ruin of almost all the native families who regard their slaves as a very valuable part of their property, on whose services they depend for support; besides, both the right to it as well as the policy might be questionable when the nature of the country, government, and the tenure of the East India Company are considered; because, although the servants of the Company, actuated by the same laudable spirit which has influenced their mother country, may form rules for their own immediate port, such rules cannot reach the interior of the country with equal effect, whereas, as the government is at present constituted, slaves will most likely ever be brought and sold as heretofore, and many are still frequently brought clandestinely from Moosee.

To treat of the nature of the slave trade does not come within the compass of this little treatise which is only intended to notice the subject, so far as connected with established laws; the foregoing digression, however, was necessary to show that the penalties consequent to the importation of slaves, are inflicted by the humanity of our government, and have no origin from the court of the Pangeran, in any other degree than indirectly as they invariably acquiesce in any institute suggested by the Company for the benefit of the country. I wish I could add that their co-operation with government was as hearty as their acquiescence would seem to imply; but I am much more inclined to believe the reverse, and that private considerations of interest, or opinion, secretly counteract its measures for want of a general uniformity of sentiment; there are no great hopes, therefore, of the ample success so desirable.

The slave is at all times dependent on the master for food, clothing, and pocket money, and it is a justice due to the natives in general to say, that except in families of the first consequence, where rank draws necessarily a line of distinction, they reciprocate in all comforts and in all the inconveniences of the family they belong to, with but little difference from themselves, although they cannot separate from it without their masters consent.

Their value is generally from 30 to 50, 80 and 100 dollars; sometimes more, according to the qualification of the slave; and if his master chooses to part with him, he must procure a new one who will pay that money; it rarely, however, happens, that he is transferred without his own consent, though the law admits it, because no person could depend on the services of a slave who was transferred to him unwillingly.

All children born of a female slave belong to the master, whoever may be the father, and such children are slaves themselves, notwithstanding the father may have been a free man.

All children born of slaves belonging to a family are termed *annak mas*, literally "golden children;" but as gold is a denotation of riches, and slaves are considered to form so very material a part of the wealth of a family, it is to be presumed the etymology of the term is founded in that allegory.

The children of slaves cannot be separated from their parents until they are at a proper age, of which the chiefs of the court will judge, in case of reference to them, after which the law does admit of it, but it is rarely practised, unless as a gift to the relation of the same family; which, in fact, though it changes the master, does not separate the children from the parent, or as a gift and attendant to an infant with whom it grows up.

Slaves are subject to all the penal laws of the criminal court as much as any other subjects; and if their services become thereby forfeited to their master, the case is inevitable.

But when slaves commit trespass or robbery, not affecting life, the master has the power of redeeming them by making good the damages sustained by the injured person, and in all such cases, corporal punishment is inflicted on the slave, in substitution of the fine or damages that would be inflicted on a free person.

If the slave is not properly supported or treated by his master, the court will redress him by removing him from that service, and allowing him to seek another on the footing of slavery; only, however, unless the master, on his own part, should be disposed to liberate him on receiving his value, and the new master should be inclined to meliorate his situation, of which there are frequent instances amongst those who come from the same part of the country.

If a slave shall behave ill or disobedient, he or she are liable to corporal punishment by their master or mistress, provided such chastisement be entirely within the bounds of moderate correction, without losing sight of humanity; but where the offence shall be so great as to require any signal or exemplary mark of disgrace, the court must judge of the degree of punishment suitable to the offence.

If a slave shall run away, the court will direct the degree of punishment proportioned to the nature of the case, and the motive that might have induced him to such act, after maturely weighing the conduct of the master as possible to have been connected therewith. The act of running away, however, does not affect the life of a slave here, as in some parts of the coast.

Children are frequently passed into slavery by their parents, and particularly to Europeans at the out-settlements; but this is more frequently the case with females than with males, as the latter are kept to support the toongooan of a family, whereas, gentlemen who are desirous of procuring wives for their male slaves, obtain them by paying the joojoor to her parents, and the girl is transferred; as such arrangement, however, is generally with the consent of the woman, it is a refinement in the word slavery, it is true; but the custom being prevalent throughout the country, whatever variation the shade may bear in this first decree, it certainly entails it on the offspring of that union, and by such means must perpetuate slavery without any breach of the present orders of government, and in perfect accordance with the established customs and law of the country.

By the preceding observation it is not to be understood that the children of all joojoor marriages are slaves; it has been otherwise explained under the article of marriages, and it is meant only to say that marriage by joojoor with a slave fixes slavery on the issue of that marriage.

A free person having a female slave with whom he cohabits, and by whom he may have issue, confirms by such act the freedom of the mother and her progeny. Slaves having issue by women who are free, or not the slaves of the master, the latter can have no control or property in them, and if the woman was free, the children will be so likewise.

No person can attach the person of a slave for debt, as he had no business to give him credit, and from the nature of his situation it must be impossible for him to pay, because himself and all his property are in fact the property of his master; but although this be the letter of the law, and will at all times protect the master from being debarred of the services of his slave, yet many slaves, by indulgence, have right in their own property, and possess servants under them; and should they be enabled, by the effects of their own industry, to procure wives for themselves, without expense to their master, all claim to the services of his progeny are dropped by the same indulgence that left him in the enjoyment of his own property at first.

It cannot be alleged that the lender did not know he gave credit to a slave, because in a country where slavery is common, it was his business to inform himself of the situation in life of the person to whom he gave credit.

BOND SERVICE BY MENGHEERING.

Next to the state of slavery, is that of a mengheering debtor, who is to all intents and purposes a slave himself, with the difference only that he can free himself by paying down the sum he is indebted, whenever he has it in his power, and thinks proper.

The debt may arise from a sum lent to a man, or consideration given to him in person, which he is afterwards unable to pay, or for which he consents to pledge his services, having for his object, in the application of such money, the relief of another; or because, having become once indebted to another, whom he cannot pay, and does not like to serve, he may prefer borrowing the money of a second person, and engage to live in and serve his family.

Contrary, however, to the general rule at other parts of the coast, such debt does not entail service on his children, as mengheering, although the children, as in all other cases, must bear responsibility for the father's debts before he can inherit his property, and will be considered subject to the general provisions of the law in such respect.

Formerly a person, with the consent of his wife, could pledge himself, his wife and children, as mengheering debtors; but a very humane regulation was formed during Mr. Ewers' government, limiting such bondage to the wife and her hus-

band only, who being of competent judgment, might act for themselves, but were not permitted to enthral their progeny.

It does not follow of course that the wife of a mengheering debtor must be a debtor also, unless it forms a part of the original agreement.

The bondage implies service in exchange for maintenance and protection; but an abuse of power in the master, by ill treatment of the debtor, cancels the debt, if the court are of opinion that the complaint of the debtor is justly founded; nevertheless, a delicate regard to property of that nature, which, like slaves, frequently forms an equally essential part of a person's estate, directs the judgment of the court in such cases with much circumspection and caution.

Mengheering debtors have not a stipulation for wages as a set off against their debt, nor can they pay their debt by instalments, unless their master thinks proper to receive it.

No person can receive a planter as mengheering debtor, but in his own wrong. The master is liable for all consequences of the conduct of his mengheering debtor during the time of service, short of capital conviction in criminal cases, and must either release him from pecuniary penalties and embarassments, or suffer him to be confined or transferred to the injured person till satisfaction is made. When the penalties, however, are satisfied by the master, to relieve the services of his servant, and secure them to himself, the amount becomes an addition to the original debt; and there are cases where the court will inflict corporal punishment on the offender, as a satisfaction to the master, and to prevent a repetition of offence.

In many cases it is customary for persons to go mengheering as debtors, but under security to pay after a certain period, or for their not absconding. In the former case, if the debtor dies before the debt be paid, responsibility will attach to the security as much as if he had absconded altogether, or the time had expired, in both of which instances the security would be answerable.

No person can give credit to a mengheering debtor, but in his own wrong, because the same laws exist in protection of the master, in this instance, as in the case of giving credit to slaves.

But if a married man be mengheering, who is married by semundo, and his wife has not bound herself jointly in servitude with him, the creditor or master is not entitled to redress by suing her, notwithstanding the debt was contracted with the knowledge of both parties, and any property of the husband's may be attached, in case of his absconding, over which she may have charge, although her and her own property are inviolable; thus, there is an essential difference between a mengheering debt and a common debt.

A mengheering debtor cannot be punished by his master, who in case of need must refer to court, or on being dissatisfied, must require his debtor to pay his debt. As a reference to court, however, is generally less favourable to manifest ill conduct than the gentler punishment of most masters, and the non-payment of the debt, after three repeated notices, would subject the debtor to become a slave, it is seldom thought of with any serious objection.

BOND SERVICE BY BABLAS.

"Báblas" literally means to divide or split, and thence the meaning of this service as it implies a mutual interest in the produce of the soil cultivated, or the trade carried on by the debtor in partnership with the lender; the latter of whom advances the capital to support the undertaking.

This, according to one acceptation, might be termed a sleeping partnership on the part of the lender, but there is this wide distinction, that a partner in a concern, although inactive, will, on the disclosure of the connection subsisting, be held answerable to all creditors, whatever the misconduct of the person in whom he confided; whereas the debtor by báblas cannot entangle the lender beyond the original pekoh or capital, that is to say, although he may deceive his friend, or perhaps, under various illusive pretences, procure more money from him, his responsibility is confined to the sum he parted with originally, and his debtor cannot contract debts to his further injury.

No person can give credit to a debtor by báblas, to the injury of the first creditor.

If a debtor by báblas shall fail in his duties of cultivation, the lender who contracted for his services may employ a person to perform that duty for him, at the expense

expense of the debtor, and whatever the expense of so doing may amount to, must be added to the first debt.

If the money entrusted to a debtor of this description be not duly accounted for, he must become a debtor by mengheering, or may be even rendered a slave.

(True extracts.) (signed) *G. J. Siddons*, Acting Resident.

Ordered, That the following letter be written to the acting resident at Fort Marlbro'.

To G. J. Siddons, Esq. Acting Resident at Fort Marlbro'.

N° 11.

Sir:—I am directed by his Excellency the Right honourable the Governor General in council to acknowledge the receipt of your letter of the 2d September, with its enclosure, and to inform you, that the questions which have arisen regarding the operation of the Act of the 51st of His Majesty, prohibiting the transportation of slaves by sea, under severe penalties, have been brought under the notice of the Honourable Court of Directors, to whom a copy of your present representation on this subject will also be submitted by an early opportunity.

I am directed by the Governor General in council to transmit to you, on this occasion, the accompanying copy of a letter, and of its enclosure, from his Excellency the naval commander-in-chief in India, communicating the opinion of the law officers of the Admiralty, on the construction to be given to the Act in question, in applying it in the Eastern Seas.

I have the honour to be, &c.

(signed) *H. St. G. Tucker*, Sec. to the Government.

Fort William, 24th Dec. 1813.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors, in the Colonial Department, dated 5th August 1814.

Par 48.—It will be satisfactory to your Honourable Court to learn from us, that the obstacles which occurred to the abolition of the slave trade in the Eastern Seas, are gradually giving way; and although some of the petty chiefs of Bali, Celebes and the other islands, who had an immediate interest in the trade, are not probably reconciled to the measures which have been taken for its suppression, we entertain hopes that the humane and benevolent views of the British legislature will ultimately be accomplished, even in a quarter where both motives of interest and long established habits seemed at first to oppose insuperable bars to their success.

Papers relative to the Registration of Slaves in the Moluccas; also relative to the Decrease in their Number, and to the Means of supplying Deficiencies; 1814.

Extract, Bengal Civil Colonial Consultations, 19th February 1814.

Extract of a Letter from the Resident at Amboyna, to the Secretary to Government of Fort William; dated 23d June 1813.

N° 41.

I have the honour to transmit to you, for the information of the Right honourable the Governor General in council, the accompanying copy of the regulations which I have prepared for the administration of justice at this island and its dependencies.

6.—You will observe that the modes of judicial procedure prescribed by these regulations, are nearly the same as those which have been established for the guidance of the courts of justice in Bengal, and it has been my object to assimilate, as far as practicable, the principles and system of the administration of justice at Amboyna, to those which have been so instrumental to the prosperity of other parts of the Company's dominions.

7.—The Dutch law to which the natives have been so long accustomed under the dominion of their former rulers, and the existence of which, subject to the pleasure of His Majesty's government, was guaranteed by the 10th article of the capitulation of Amboyna, will continue to be administered under these regulations, with such improvements as may be introduced by the regulations of the British government, and by the general spirit of the British law.

8.—I anticipate the most beneficial consequences from the operation of that part of the regulations which provides for the publicity of the judicial proceedings, which

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were always privately conducted under the Dutch government, and also from the appointment of authorized attornies of a respectable character, who will be engaged by interest as well as required by duty, to qualify themselves for the office of professional advisers, by a diligent attendance on the court of justice, and by a correct and intimate acquaintance with its forms and practice.

9.—The regulations have been translated into the Dutch and Malay languages, and it is my intention to encourage the study of them in the schools by suitable rewards, to be distributed to those whose progress in their acquisition has been most distinguished. By this means a succession of qualified attornies will be secured, and the desirable object will be accomplished of diffusing, as extensively as possible among the natives, a knowledge of the system according to which justice is administered.

10.—My attention will be immediately directed to the framing of such regulations as will be necessary for the guidance of the court's proceedings in criminal cases; and it is my intention to imitate the practice established in Bengal, of publishing, in numerical order, such regulations for the conduct of every branch of the public administration at this island, as the exigencies of the service may require, subject to the approbation of the Right honourable the Governor General in council.

11.—In pursuance of this system, I have the honour to enclose two proclamations, which have been issued for the purpose of regulating the mode in which certificates of the transfer of slaves are to be in future taken out at the magistrates office. If these proclamations should be approved of by the Right honourable the Governor General in council, they can be converted into regulations, and numbered according to the order in which they were promulgated.

12.—The same system may be introduced with great advantage to the public interest to such rules as may be found necessary to prescribe for the conduct of the subordinate residents in the administration of the local duties committed to their charge, particularly of those which relate to the provision of the spice investment, and to the dispensation of justice in petty cases to the natives. From their decisions an appeal should, under certain restrictions, be admitted to the superior court at Amboyna.

13.—The diversity of local circumstances will require a corresponding difference in the system of judicial administration at the islands of Ternate and Banda; and I shall lose no time in acquiring such detailed information from the resident at those islands as may be necessary to constitute the basis of a permanent arrangement for the administration of civil and criminal justice at those settlements.

By the Resident—A Proclamation.

N° 43.

THE Resident having taken into consideration the existing regulations under which transports or certificates of the transfer of slaves are obtained from the notary public on the payment of certain established fees, and decreeing it to be expedient to substitute others better calculated to bring under the immediate cognizance of the magistrates authority, all future transfers of slaves that may be effected in the town of Amboyna and its vicinity, has been pleased to frame the following Rules, which are to be in force from the date of this Proclamation, at Amboyna, and from the date of its publication at Ternate and Banda.

Article 1st.—The duty of granting transports of slaves is hereby transferred from the notary public to the magistrate, to whom all persons desirous of obtaining documents of that description, are accordingly required to make their application.

Article 2d.—All transports shall be in future written in the Malay language, and no fees shall be charged on them by the magistrate.

Article 3d.—The magistrate shall cause a register to be opened in his office, for the purpose of registering the names of the persons applying for and receiving the transport, the number and date of the transport, and also the name, sex, and country of the slave transferred.

Article 4th.—All transports of slaves after this date shall be written on stamped paper, of the value of three rix dollars.

Article 5th.—New transports shall be taken out at the magistrate's office, on every successive sale or transfer of a slave to a new proprietor, and all persons acting contrary to this regulation, shall be considered to have forfeited their right to the slave, who shall thenceforth be entitled to freedom.

Article 6th.—The foregoing rule shall be binding on all persons to whom slaves may be transferred, either by bequest or gift of the former proprietor, or in what manner soever the transfer may have been effected.

Article

Article 7th.—Transports shall be taken out on all slaves born in Amboyna previously to the expiration of three months after the birth of such slaves, under the penalty established by the 5th article.

Article 8th.—This proclamation shall be registered in the College of Justice, and transmitted to the residents at Ternate and Banda; and the fiscal, notary public and executive officers of the college are required to take such measures herein, as to them may respectively appertain.

By order of the Resident,

Fort Victoria, 2d February 1813. (signed) *Charles Forbes*, Secretary.

By the Resident—A PROCLAMATION.

N° 44.

WHEREAS, it has been represented to the Resident that doubts have arisen with regard to the operation of the 7th article of the proclamation, bearing date the 3d February last, which has been construed to apply to such slaves only as might be born after the date of that proclamation, and it has accordingly become necessary, that the extent of the operation of that article should be clearly defined; the following rules are to be in force from the date of this proclamation, at Amboyna, and from the date of its publication at the islands of Ternate and Banda.

Article 1st.—Transports are to be taken out within three months from the date of this proclamation, on all slaves born at Amboyna, of whose birth no stamped certificates have been yet obtained by the proprietors.

Article 2d.—After the expiration of three months from this date, all persons who shall have neglected to take out the prescribed certificates, will be considered to have incurred the penalties as established by the 5th article of the proclamation, bearing date the 3d of February 1813.

By order of the Resident,

Fort Victoria, 17th April 1813. (signed) *Charles Forbes*, Secretary.

Extract of a Letter from the Secretary to Government of Fort William, to the Resident at Amboyna; dated 19th February 1814.

4.—The Governor General in council approves generally of the principles you have adopted in framing the regulations for the administration of civil justice at the Moluccas; and as his Lordship in council relies on your judgment in adapting the different provisions contained in those regulations, to local circumstances, it does not appear to him necessary to enter into a minute examination of the several rules which are intended to embrace particular objects.

Extract, Bengal Civil Colonial Consultations, 23d September 1814.

Resident at Amboyna, to H. St. George Tucker, Esq. Secretary to Government in the Colonial Department, Fort William.

N° 14.

Sir:—I have the honour to transmit to you for the consideration of his Excellency the Right honourable the Governor General in council, the accompanying extract from a letter from the resident at Banda, together with extract from a letter, addressed to that officer by the superintendent of spices, at the same island.

2.—From a reference to these documents, you will observe, that the increasing deficiency in the requisite number of labourers to complete the establishment of the several parks at Banda, is likely to be attended with consequences of serious inconvenience to the public interest.

3.—This deficiency, under present circumstances, can only be supplied by convicts; and as a considerable interval of time has elapsed since any persons of this description have been transported to these islands from Java, it will not be immediately practicable to have recourse to this expedient for completing the establishments allotted to the parks.

4.—I have already represented my opinion of the advantageous manner in which the labour of convicts might be applied to the promotion of the public interests at Banda; and I trust that the renewed deliberation of his Excellency the Governor General in council, relative to the most eligible means of providing the labour requisite for the proper cultivation of the parks at that island, will determine the source from which it must in future be supplied.

5. If the result of that deliberation should produce a modification of the existing laws relating to the banishment of persons convicted of crimes in Bengal, the

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quantity of spices which now remains in store, and which will be considerably augmented at the expiration of the present year, will be sufficient to furnish a cargo to any ship of moderate size, which may be freighted for the purpose of transporting them to the island.

6.—Since writing my letter, dated the 21st instant, a report has been received from Banda, of the deliveries of nutmegs produced in the months of January, February and March, and received into store on the 10th June, amounting to *Dutch pounds*, 106,012; which augments the total quantity of that spice now remaining in store at Bandee to D. lbs. 321,002. For information relative to the quantity of mace in store, I beg leave to refer you to the accompanying copy of a letter from the Resident at Banda.

7.—Previously to the end of January, the produce of the six succeeding months, the exact amount of which cannot be anticipated, but which, if it be assumed, at the quantity produced in the corresponding months of the past year, will be equal to 148,612 lbs. will be prepared and packed for exportation; so that by the end of January 1815, the total quantity of nutmegs ready for shipment, will amount to 469,624 lbs.

This quantity, in addition to the intermediate deliveries of mace, which may be safely estimated at 8,000 lbs. per mensem, and also to the crop of cloves, which will in all probability have been collected by the same period, will, after furnishing a valuable cargo to the Indiaman, leave a proportion applicable to the supply of the Indian market, sufficient to occupy the tonnage of any ship of intermediate size, which might be engaged for the purpose of transporting convicts to Amboyna.

9.—It is probable, however, that a number of convicts adequate to supply the existing deficiency in the parks at Banda, might be accommodated on board the Indiaman without inconvenience, and without exposing government to any additional expense whatever. In that case it might be found eventually practicable to send such proportion of the produce of these islands as it may be deemed proper to reserve for the supply of India, by one of the vessels allotted to the local service of Amboyna; provided the period of her detention in Bengal be not unnecessarily prolonged, and she were permitted to return immediately at the commencement of the favourable monsoon with the requisite supplies for the Moluccas.

I have, &c.

(signed) *W. B. Martin*, Resident.

Fort Victoria, 30th July 1814.

I.—Extract from a Letter from the Resident at Banda, dated 19th July 1814.

N° 15.

I have to request that the resident will be pleased to favour me with his intentions respecting payment being made by the parkeniers for casualties of slaves; and if so, if the mode proposed by Mr. Crossley meets with approbation.

I am aware that the want of substitutes has already occupied the resident's attention; I feel it, however, my duty to state, that the labour in the parks, from the number of casualties, is becoming very severe, and that the interests of government will, in a short time, be considerably affected by it.

(A true Extract.) (signed) *W. J. Mackenzie*, Secretary.

(Copy.)

II.—Extract from a Letter from the Superintendent of Spices, dated 17th July 1814.

Par. 3.—With reference to this subject, I beg leave to report that there are now 168 slaves short of the complement in the inventories, regarding which I request to be informed of the intention of government under the prohibition of the trade in slaves, substitution, agreeably to the tenor of the regulations, cannot fairly be expected, and the park-keepers are required to pay the government the price which the substitution would have cost prior to the abolition of the slave trade; the original cost of the slaves to the government, or whatever other rate which may be deemed just and proper, I beg leave to suggest, that in order to render the payment as easy as may be to the park-keepers, one instalment may be deducted from the large sum now due to them, and the remainder at those times when a large harvest of spices shall enable them to pay it with little inconvenience.

(A true Extract.) (signed) *D. Forbes*, Resident.

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(Copy.) To George Babington, Esq. Officiating Secretary.

N° 16.

Sir:—I have to request you will inform the resident at the Moluccas, that the superintendent of spices reports, that forty-five casks, containing 10,325 lbs. of mace, quality A. are packed and ready for exportation; that he expects more than an equal quantity will be ready on the 7th or 8th proximo; and that he is now employed in superintending the sorting and package of the great deliveries of nutmegs stored in April last.

I have, &c.

Banda, 19th July 1814. (signed) *David Forbes*, Resident.

Ordered, That an extract (Par. 6.) from the foregoing letter from the resident at Amboyna, with copy of the report from the resident at Banda, to which Mr. Martin refers, be transmitted to the Board of Trade for their information.

Ordered, That the following letter be written to the resident at Amboyna.

To W. B. Martin, Esq. Resident at Amboyna.

N° 17.

Sir:—I am directed by his Excellency the Vice President in council, to acknowledge the receipt of your letter of the 30th July, with its enclosures, to inform you, that although a regulation has been passed by this government, under which the punishment of transportation beyond sea can again be adjudged for criminal offences, his Excellency is unwilling to determine on sending convicts under this sentence to the Moluccas, in consequence of the uncertainty which exists with respect to our retaining possession of those islands. Should the Dutch colonies to the eastward be restored at a general peace, as there is reason to suppose they will be, the convicts must be removed at great expense, since they could not, with any kind of propriety, be left in the condition of slaves in the hands of a foreign power.

2.—The Vice President in council has noticed, with satisfaction, your favourable report of the expected produce of spices in the present season, and I am desired to inform you, that arrangement will be made at an early period for their conveyance to England.

I have, &c.

(signed) *H. St. G. Tucker*, Sec. to Government.

'PAPERS relative to Slaves purchased by Prostitutes, or brought into the British Territories by Persons, Inhabitants of Territories not subject to the British Laws and Regulations, reported to the Governor General in council, by Mr. J. W. Ryley, the Magistrate of Cawnpore: 1813.

Extract, Bengal Judicial Consultations, 26th June 1813.

Criminal.

Magistrate of Cawnpore to George Dowdeswell, Esquire, Chief Secretary to Government, Fort William.

N° 37.

Sir:—It having been reported to me by the cutwall of the town of Cawnpoor, that a woman (a common prostitute) had brought into the town of Cawnpoor two girls, about ten or twelve years of age, which she acknowledged having purchased at Jhausey, I ordered the parties to attend in court; the woman produces a regular deed of sale, by which it appears that she purchased one of the girls for fifty-two rupees, and the other for fifty-nine rupees. The children state, that no forcible means were had recourse to, but that their parents sold them in consequence of their being reduced to extreme want, owing to the very great scarcity of grain, and that they themselves do not wish to go back to their homes, indeed were they to be conveyed to their parents, they in all probability would not be received, but become complete outcasts, the father of one being a Jaut, and of the other a Rajpoot, the conveyance of them, therefore, to their own village does not appear likely to be productive of any good effect whatever; and as the confinement of the woman would deprive the unfortunate girls of the only protection (such as it is) which they can now look up to, I have hesitated in carrying into effect the rules laid down in Regulation X. of 1811, for the guidance of the magistrate, in instances of this nature, and having taken bail for the appearance of the woman, I have permitted her to remain at large, until I am favoured with the orders of the executive government respecting her.

I have, &c.

Zillah Cawnpore Bittoor, 10th June 1813. (signed) *J. Ryley*, Magistrate.

Ordered, That a copy of the foregoing letter be sent to the Nizamut Adawlut, and that they be directed to issue such orders on the subject of it, as may appear to them proper under the provisions contained in Regulation X. 1811.

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Extract, Bengal Criminal Judicial Consultations, the 7th August 1813.

Magistrate of Cawnpore to George Dowdeswell, Esq. Chief Secretary to Government, Fort William.

N° 42. Sir:—Doubts existing how far the rules laid down in the 2d, 3d & 4th sections of Regulation X. of 1811 are to be considered applicable to persons, inhabitants of territories not subject to the British laws and regulations, I have to request that you will inform me whether it is intended that the rules contained in the above regulation and sections are to be carried into force against natives of foreign states importing persons into the British territories for the purpose of sale.

I am induced to make this reference, and solicit the orders of government for my guidance in this instance, as fourteen men have been sent from one of the police thannahs in this district with fifty-nine slaves, women, girls and boys of different ages and of different castes, from four to twenty years of age, whom I have ordered to be detained until I am favoured with the sentiments of government respecting them.

The purchasers are all inhabitants of the territories of the Rajah of Jypoor and the slaves of the Marwar country. I have, &c.

(signed) *John Ryley.*

Zillah Cawnpore Bittoor, 19th July 1813.

Magistrate of Cawnpore to George Dowdeswell, Esq. Chief Secretary to Government, Fort William.

N° 43. Sir:—Having received the orders of the court of Nizamut Adawlut upon the subject of my address to you of the 10th ultimo, by which it would appear that criminality is not considered to attach to the act of importation, so much as to the subsequent intent of disposal either by sale, gift, or disposal otherwise, I conceive it necessary, to avoid the delay incidental to a reference upon the subject, to acquaint you, for the information of the Right honourable the Governor General in council, in continuance of my address of the 19th instant, that the fourteen purchasers alluded to in that address in the most unequivocal manner declared, that the object in view by bringing the fifty-nine persons therein alluded to to Cawnpore, was the sale of them to any persons who would become purchasers.

I have, &c. (signed) *John Ryley.*

Zillah Cawnpore Bittoor, 22d July 1813.

Ordered, That the secretary write the following letter to the register of the Nizamut Adawlut.

N° 44. Sir:—I am directed by the Right honourable the Governor General in council to desire that you will lay before the Nizamut Adawlut, for their consideration, and for any orders which the case may appear to them to require, the enclosed copy of two letters from the magistrate of Cawnpore.

2.—In furnishing the magistrate with the Court's instructions on the subject, they are requested to recal to his recollection, that points of the nature of those mentioned in his present letters, viz. the construction and application of existing regulations, are not proper objects of reference to government, but should be submitted to the superior courts of judicature. I am, &c.

(signed) *Geo. Dowdeswell,*
Chief Sec. to Gov^t.

Council Chamber, 7th August 1813.

PAPERS relative to an attempt by an Inhabitant of Bundlecund to sell a Lad in the District of Mirzapore, who had been given as a pledge for the repayment of a Debt: 1814.

Extract, Bengal Judicial Consultations, 6th May 1814.

Criminal.

Magistrate of Mirzapore to G. Dowdeswell, Esq. Chief Secretary to Government, Fort William.

N° 42. Sir:—I beg leave to report, for the consideration and orders of the Right honourable the Governor in council, my proceedings in the case of Boodhoo *versus* Sheojee, for attempting to sell Omrao, the brother of the prosecutor.

2.—As the accused confesses the charge, it will be sufficient to furnish the substance of his deposition before me. It states that he is an inhabitant of Dhooree in Bundlecund,

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Bundlecund, his age 50; that the mother of Boodhoo and Omrao gave the latter up to him as a pledge for the repayment of the sum of 36 rupees, which was to have been returned in eight days, but was not at the end of six months, when he brought Omrao to Mirzapore, that he might realise his loan by selling him; that Boodhoo, the brother of Omrao, accompanied him hither; that six days ago he (Sheojee) had some conversation with a Gosham on the subject, but that he refused to conclude a bargain with him; that after this, Boodhoo complained at the thanna that his (Sheojee's) house is eight coss from that of the children's mother, whose sanction was not given to the sale of Omrao, who had lived with him (Sheojee) for the last six months; that he does not know where the child's father is; that it is the custom where he lives to dispose of children given as pledges; that he is not aware of the punishment which is here the consequence of doing so; that the person from whom he borrowed the money complained against him, and caused his house to be sold for it; that he came hither by Allahabad, from which place his home is six days journey.

3.—The above was deposed on the 21st March, and was followed by an order, that the parties, with the proceedings of this court, should be sent to the acting magistrate of Bundlecund, by whom they have been returned to me; the place of abode of Sheojee not being in the Company's territory, and the attempt to dispose of the child having been made within my jurisdiction. At the same time he refers me to regulation V.* of 1809, as applying to the case.

4.—This appears to me doubtful, as the accused is not a native subject of the British government, unless by the commencement of the third section of it (which has the words " in all cases of the like nature,") it be considered as applicable, in which event only I beg the favour of your laying this before the Governor General.

I have the honour to be, &c.

(signed) *R. H. Rattray*, Magistrate.

Zillah Mirzapore, 15th April 1814.

* A regulation to provide for the trial of all persons native subjects of the British government, who may be charged with crimes or misdemeanors committed in places out of the limits of the British provinces.

Ordered, That the secretary write the following letter to the register of the Nizamut Adawlut.

To the Register of the Nizamut Adawlut.

N° 43.

Sir:—I am directed by the Right honourable the Governor General in council, to desire that you will lay before the Nizamut Adawlut the enclosed copy of a letter from the magistrate of Mirzapore.

2.—The case to which the magistrate alludes is not clearly stated in the accompanying letter; but as it may be inferred that the provisions of regulation V. 1809, have no relation to it, his Lordship in council requests, that the Nizamut Adawlut will put the case in the proper course of inquiry, after obtaining any further information which they may require to enable the court to give the necessary directions for that purpose.

I am, &c.

(signed) *G. Dowdeswell*, Chief Sec. to Government.

Council Chamber, 6th May 1814.

PAPERS relative to some Malay Slaves allowed by their own desire to accompany their European Masters to England, without bond being given for their return to India: 1812.

Extract of a Letter in the Foreign Department from the Governor General in council of Bengal, to the Court of Directors; dated 5th March 1812.

Foreign.

Par. 5.—The next point to which we beg leave to draw the attention of your Honourable Court, is the embarkation for England of a number of Malay slaves who accompanied the Dutch and French officers, prisoners of war, from Java to Bengal. On reference to the present list, marked N° 3, which was enclosed in our letter of the 27th of January last, and also to a supplementary list which forms an enclosure in the present address, your Honourable Court will observe, that seven Malay slaves proceeded by the last opportunity, besides four (whose names are not mentioned) by that immediately preceding it, and that six more have been allowed to embark with their masters and mistresses on the ships now under dispatch

Supplementary list of Malay servants allowed to embark for Europe.

Par. 6.—In a letter, dated the 13th of January, the superintendent at Chandernagore brought the general question of the disposal of these slaves under the notice of government, and desired to be informed whether or not it was the intention of

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To superintendent of Chandernagore, dated 17th Jan.

government to permit them to accompany their masters to Europe, and if so, under what restrictions. In reply to which (as per enclosed copy of our instruction), the superintendent was desired to be apprised, that although the peculiar circumstances of the situation in which the masters of these slaves were placed with relation to the latter, appeared to be such as to justify the exemption of the former from the payment of the usual deposit required for all native servants indiscriminately, prior to their embarkation for Europe; yet as we were disposed to ascribe their desire of taking their slaves along with them to Europe, more to a principal of regard for their future comfort and welfare, than to any real solicitude founded on a supposed right to the continuance of the benefit of their services, with reference to the consideration that on their landing in England, the slaves would virtually become entitled to all the privileges of free men, and be no longer at the disposal of their masters, but be at full liberty to seek whatever service they might wish to pursue, we conceived that the superintendent might easily set their minds at rest on this point, by explaining to them that government would take care to provide the means of transporting their servants back to their native country. Mr. Forbes was therefore desired to ascertain and report, whether, after this explanation, they were still anxious to take their slaves, and the latter were willing to be taken to England, in preference to their being sent back to their native country.

7.—Having reason to believe, that by being separated from their masters and mistresses, and sent back to Java, these slaves (who have been for the most part bred up in the families to which they belong) would have been cast upon the world without protection or subsistence, we were not surprised to learn that they generally preferred to accompany their masters and mistresses; and as the separation would have been productive of extreme distress and inconvenience to families and individuals, especially to the former, we had a double inducement to acquiesce in the wishes of the parties, although the situation of the masters rendered impossible the fulfilment of the condition on which alone, in ordinary cases, the orders of your Honourable Court admit of natives of Asia being allowed to proceed to England.

Extract, Bengal Foreign Consultations, 17th January 1812.

Extract of a Letter from Gordon Forbes, Esq. Superintendent at Chandernagore, to Mr. Chief Secretary Edmonstone; dated the 13th of January 1812.

I take this opportunity to mention, that there are many Malay servants who have accompanied the families of several of the officers from Java. I beg to be informed whether any of them will be permitted to go to England, and if so, under what restrictions.

To Gordon Forbes, Esq. Commissioner for Chinsurah.

N° 32.

Sir:—With due submission, I beg leave to state that I brought with me from Batavia, one Malay woman and a slave boy, which I thought of taking with me to Europe, if I was able, obtaining permission to that effect.

That having been informed such cannot be allowed, I am at a loss what to do with those two persons who have no relations in this country, and entire strangers, hardly, I am afraid, they will be able to get their livelihood.

Requesting, therefore, most humbly, that through your kind intercession, I may obtain from government that said two persons may be allowed a passage back to their native country, as my present circumstances do not admit defraying any expenses for that purpose.

I have, &c.

Chinsurah, 13th January 1812. (signed) *Tennissen*, Captain.

Extract of a Letter from Mr. Chief Secretary Edmonstone, to Gordon Forbes, Esq. Superintendent at Chandernagore.

N° 34.

I am directed to acknowledge the receipt of your letter of the 13th instant, desiring to be informed whether or not it is the intention of government to permit any of the Malay servants who have accompanied the families of several of the officers from Java to go to Europe, and if so, under what restrictions, and to communicate to you the following instructions and observations.

His Lordship in council observes, that although the peculiar circumstances of the situation in which the masters are placed with relation to their slaves, appear to his Lordship in council to be such as to justify their exemption from the payment of the usual

usual deposit required for all native servants, antecedently to their embarkation for Europe, yet as his Lordship in council is disposed to ascribe their desire of taking their slaves along with them to Europe, more to a principle of regard for their future comfort and welfare, than to any real solicitude founded on a supposed right to the continuance of the benefit of their services with reference to the consideration that the moment their slaves land in England, they will virtually become entitled to all the privileges of freemen, and be no longer at the disposal of their masters, but be at full liberty to seek whatever service they may wish to pursue. His Lordship in council conceives that you may easily set their minds at rest on this point, by explaining to them that government will take care to provide the means of transporting their servants back to their native country, and you are required to ascertain and report whether, after this explanation, they are still anxious to take their slaves, and the latter are willing to be taken to England in preference to their being sent back to their native country.

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Extract, Bengal Foreign Consultations, 8th February 1812.

The following orders issued since the last meeting of council, having been read in circulation, and approved, are ordered to be here recorded, together with the letters to which they refer.

Superintendent at Chandernagore, to N. B. Edmonstone, Esq. Chief Secretary to the Government at Fort William.

Sir:—I beg leave to transmit a list of Malay servants who are willing to accompany their masters to Europe, under the late orders of government, in addition to those inserted in the list* transmitted on the 21st instant. N° 16.

* Not recorded.

I have, &c.

Chandernagore, 29th January 1812. (signed) *G. Forbes*, Superintendent.

LIST of MALAY SERVANTS attached to Officers, prisoners of war, under orders to embark for Europe, who are willing to accompany their masters under the late orders of Government, in addition to those inserted in the List transmitted on the 21st instant. N° 17.

Name of the Ship.	Name of the Servant.	Name of his Master.
Union - - - -	Cezor - - - -	Lieutenant Delhuille.
Ocean - - - -	Manilla - - - -	Captain Gervois.
James Sibbald - - -	April - - - -	Captain Tennisson.

(signed) *G. Forbes*, Superintendent.

On the 30th ult. it was ordered, that a copy of the above list should be sent to the public department, whence the necessary orders to the commanders of the respective ships for the reception of the servants, was to be prepared in duplicate, one copy to be forwarded to the commander immediately, the other to go with the men.

On the same date it was also ordered, that a copy of that list should be communicated to the town major

[The necessary orders for the embarkation of the above-mentioned Malay servants, were issued in the public department on the same day.]

PAPERS relative to a Regulation, N° 1, 1813, passed by the Government of Bombay, with the approbation of the Governor General in council, for preventing the importation of Slaves from foreign countries, and the sale of such Slaves in the territories immediately dependent on the Presidency of Bombay.

Extract, Bengal Judicial Consultations, the 13th March 1813.

Criminal, L. P. N° 17.

Secretary to the Government at Bombay, to G. Dowdeswell, Esq. Chief Secretary to the Supreme Government at Fort William.

Sir:—In reference to your letter, dated the 26th of November last, I am directed by the Right honourable the Governor in council, to transmit to you, for the purpose of being laid before the Right honourable the Governor General in council, for his Lordship's approbation, the accompanying copy of a proposed regulation for preventing Judicial Department.

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preventing the importation of slaves from foreign countries, and the sale of such slaves, in the territories immediately dependent on this presidency, which differs in some degree from the Bengal Regulation X. 1811, particularly in the 4th article, in respect to the return of slaves at the expense of the parties importing them.

2.—I am likewise directed to accompany this address, with copy of a report, by the advocate-general, on the subject of the preceding regulation.

I have, &c.

(signed) *W. Newnham*, Sub-secretary.

Bombay Castle, 13th February 1813.

(Draft.)—A. D. 1813.—Regulation I.

N° 18.

A Regulation for preventing the importation of slaves from foreign countries, and the sale of such slaves, in the territories immediately dependent on the presidency of Bombay, passed by the Right honourable the Governor in council, on the 1813, corresponding with the

1.—Whereas the importation of slaves from foreign countries into the British territories, is inconsistent with the dictates of humanity, and with the principles on which the administration of this country is conducted: And whereas it is fit that the slave trade should be effectually abolished, wheresoever it may be attempted to practise the same: The following rules have been enacted, to be in force immediately on their promulgation throughout the territories immediately dependent on the presidency of Bombay.

2.—The importation of slaves, whether by land or by sea, into the places immediately dependent on the presidency of Bombay, is hereby strictly prohibited, and any person infringing this prohibition, shall be liable to be prosecuted and punished for the offence, by the courts of Criminal Judicature.

Penalties for a breach of the foregoing rule.

3.—Any person who may be convicted of the offence of importing slaves into the British territories, subsequently to the promulgation of this regulation, shall be sentenced to imprisonment for the period of six months, and to pay a fine to government, according to his circumstances in life, not exceeding, however, the sum of two hundred rupees, commutable, if not duly discharged, to imprisonment for the further period of six months, on the expiration of the former part of the sentence.

Persons imported as slaves shall be discharged or sent back.

4.—Persons imported as slaves into the British territories shall be discharged, and sent back to their friends and connections in the country from which they may have been imported, at the expense of the person or persons importing them, or permitted to remain in the British territories, according as may appear most advisable to the magistrate by whom the decision on the case may be passed.

(True copy.) (signed) *H. Newnham*, Sub-secretary.

To H. Newnham, Esq. Secretary to Government.

N° 19.

Sir:—I have the honour to return the draft of the regulation respecting the slave trade referred to me in your letter of the 30th January, with a few alterations; I do not think it necessary to incorporate the latter part of the Bengal regulation, the provisions of the Act 51st Geo. 3. c. 23, sufficiently restraining the importation of slaves into the British territories by sea.

But, with great deference to the opinion of the Right honourable the Governor General in council, I think the Act extends to importation by land as well as sea. In the preamble it is recited, that it is fit such measures should be extended to the effectual abolition of the slave trade wheresoever it may be attempted to practise the same; and in the enacting part immediately following, "If any person residing or being in any of the islands, &c. or territories under the government of the United Company of Merchants trading to the East Indies shall, &c. carry away or remove, &c. as a slave or slaves, &c. any person or persons whatsoever from any part of Africa, or from any other country, territory, or place whatsoever; or shall import or bring, &c. into any island, colony, country, territory, or place whatsoever, any such persons as aforesaid, for the purpose aforesaid; then in every such case, &c. the persons so offending, &c. are declared to be felons."

This enactment is taken verbatim from the statute, and appears to me to comprehend every possible case of the importation (that is, the introduction) of slaves into British territories. The act is highly penal, and I have great satisfaction in observing that his Lordship in council is resolved to lay before the Honourable Court the difficulties which attend carrying the penal part of the statute into execution in India,

India, where slavery is of a much milder feature than in the western hemisphere. The manumission of the slave will be sufficiently provided for by the regulation, and the King's Courts may act upon the statute in cases of aggravation or enormity. I have, &c.

Bengal Papers. State of Slavery in Company's Territories.

(signed) *H. G. Macklin*, Advocate General.

Chambers, Court-house, 2d February 1813.

Ordered, That the secretary write the following letter to the secretary to the government at Bombay.

The Secretary to the Government at Bombay.

N° 20.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 30th ultimo, with its enclosures, and to desire that you will acquaint the Right honourable the Governor in council, that his Lordship in council approves the draft of the regulation proposed to be enacted for preventing the importation of slaves into the territories dependent on the presidency of Bombay; omitting, however, the words cited in the margin* from the preamble of that draft. It appears to his Lordship in council, that the wording of the preamble will be rendered more conformable with the tenor of the enacting clauses, and likewise with the principles which have dictated the depending arrangements, by the omission of the words above quoted. I have, &c.

(signed) *G. Dowdeswell*, Chief Secretary to the Government.

Fort William, the 13th March 1813.

[*Vide* the Bombay Papers.]

* "And whereas it is fit that the Slave Trade should be effectually abolished, wheresoever it may be attempted to practise the same."

PAPERS relative to an application from the King of Johanna to the Bombay Government, respecting some Persons who had been carried from the Island of Johanna to Mauritius by the French, and there reduced to slavery: also, to certain Natives of India who had been captured at Sea in British Vessels by the French, and sold as Slaves at Mauritius: 1813–14.

Extract of a Letter from the Governor General in Council of Bengal, to the Court of Directors in the Political Department, dated 31st March 1814.

Par. 71.—On the proceedings of the annexed date is recorded a dispatch from the government of Bombay, enclosing a letter from the King of Johanna respecting the payment of a debt alleged to be due by the late Mr. Smith, the master of the ship Swallow, and the release of certain persons stated to have been carried by the French from the island of Johanna to Mauritius, and there made slaves; your Honourable Court will observe, on a reference to that dispatch, that the Governor and Council of Bombay had not deemed it necessary to detain the Vakeels of the King of Johanna at that presidency, until the result of a reference to this government shall be ascertained, but had instructed the secretary to prepare a letter to the King, stating that the government of the Mauritius could alone determine what was proper to be done, and if necessary, recourse should be had by the King of Johanna to that government. The government of Bombay resolved at the same time to furnish the Vakeels with a passage back to Johanna by the first opportunity.

Cons. 1813. 10 December. N° 30 to 32.

Par. 72.—The claim which the people of Johanna have established to the consideration of the British government by their friendly and hospitable treatment of the officers, passengers and crews of English ships visiting that island, rendering us at all times desirous of showing attention to the wishes of the King of that island, as far as is consistent with the public interests, we signified to the government of Bombay, in reply to their dispatch above mentioned, that we should not have disapproved of a reference to this government on the subject of the application of the envoys from Johanna, and of their being permitted to await at Bombay the receipt of an answer.

(Pars. 73, 79 & 86, relate to another subject.)

Par. 74.—With respect to the application for the release of the persons stated to be in captivity at the Mauritius, we determined to address the government of that island, and to suggest to his Excellency the measure of purchasing those unfortunate individuals from their present masters, with a view to enable them to return to Johanna. In pursuance of this determination the Governor General addressed the letter to his Excellency the Governor of the Mauritius, recorded as per margin.

Cons. 1813. 10 December. N° 34.

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Par. 75.—Your Honourable Court will observe, that in soliciting the Governor of the Mauritius to adopt the necessary measures for obtaining the release of the subjects of the King of Johanna, the Governor General has expressed his persuasion, that the purchase of those unhappy persons from their present masters, if their release cannot otherwise be obtained, will receive the approbation of His Majesty's government.

Par. 76.—The Governor General has also taken this opportunity of stating to the Governor of the Mauritius in the letter above referred to, a circumstance which had been represented to his Lordship, and in which the government of the Honourable Company is peculiarly interested, namely, that there are several natives of our Indian provinces of both sexes, in a state of slavery at the Mauritius. They are stated to have been captured by the French in English vessels, in which they were acting either as lascars or menial servants. In requesting his Excellency's assistance in obtaining the release of such of those unhappy persons as survive, that they may be restored to their country and their families, his Lordship has intimated to his Excellency, that, as individuals who have acquired the property under the former laws of the island in them, for a valuable consideration, may be considered to be entitled to indemnification for their loss, we feel no hesitation in requesting him to purchase the freedom, and to charge the expense thus incurred to the government of Bengal, taking precautions at the same time, that the owners of the slaves should not take an undue advantage of this resolution. We confidently trust, that your Honourable Court will sanction with your approbation, the measure which we have thus taken the liberty to recommend to the Governor of the Mauritius.

Extract, Bengal Political Consultations, 10th December 1813.

Chief Secretary at Bombay, Political Department, to John Adam, Esq. Secretary to the Supreme Goverment at Fort William.

N° 30.

Sir:—I am directed by the Right honourable the Governor in council, to transmit for the information of the Right honourable the Governor General in council, the accompanying copy of a translation of a letter from Sultan Ulavee, King of Johanna, dated the 14th September last, together with a transcript of the instructions issued to the secretary and translator in the office of country correspondence under this date.

I have the honour to be, &c.

(signed) *F. Warden*, Chief Secretary.

Bombay Castle, 11th November 1813.

N° 31.

Translation of a Letter from Sultan Ulavee, King of Johanna, to the Right honourable the Governor of Bombay, dated 7th Ramzar, 1227 Hijree, or 14th September 1813.

A. C.:—If you be disposed to make any enquiries with regard to myself, praise be to God I am now employed in discharging the obligations of gratitude for his benefits and mercies. I hope, that preserved in his holy keeping, you are in the enjoyment of good health.

An opportunity now offering for that quarter, I have considered it incumbent upon me, in conveying to you my respects, to make inquiries with regard to the state of your health. This country is now in a state of prosperity; the Island of Johanna enjoying every degree of security and tranquillity, but it is sufficient to refer for further particulars to the persons who now proceed to that quarter; among them you will find my own son Syed Abdoola bin Sultan Ulavee, and my son Mahomed bin Kholam, with the party which now accompanies them. They will have the honour of waiting upon you, and having communicated to them my wishes, I request you will consider what they may state to you as emanating from myself. The request I have to make to you is, that you will have the goodness to send them to Bengal. Under any circumstances you must aid and assist me, for you and I are as one limb; I have all along been, and are still (as I take God to witness) ready to serve you. You must know, that if this year they should go to Bengal and return (meaning disappointed in the object of their mission), it will then become necessary for me to proceed thither in person; my salutations attend you; for the rest, I request that you will not deprive me of your correspondence, which will partly compensate for our separation, and I shall be ready to serve you on all suitable occasions.

(signed) *R. T. Goodwin*,
Secretary and Translator in the Office of Country Correspondence.

Note by the Translator.

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I understand from the person at the head of this mission, that the object of it is to obtain the release of several sudees belonging to the state of Johanna, who were seized and carried by the French to the Mauritius, where they were disposed of as slaves.

The head of the mission informs me, that applications have been made by his Sovereign to His Majesty's government at the Mauritius, for the restitution of the sudees who were carried off from Johanna by the French as above noticed, but that they were unsuccessful as not being supported by a requisition or order from the government of India.

(True copy.) (signed) *R. T. Goodwin.*

(True copy.) (signed) *J. Farish*, Secretary to Government

To R. T. Goodwin, Esq. Secretary and Translator in the Office of Country Correspondence, Political Department.

N° 32.

Sir:—With reference to the translate of a letter from Sultan Ulavee, King of Johanna, I convey the directions of the Right honourable the Governor in council, that you prepare a letter for the Governor's signature, acknowledging its receipt with assurances of his kindly disposition, and acquaint His Majesty, that with respect to the release of the slaves belonging to the government of Johanna, now supposed to be on the Island of Mauritius, the Governor of that island alone can determine what may be proper to be done, and if necessary, recourse should be had to him for the enlargement of the persons alluded to, whilst, from the contiguity of that island to Johanna, no difficulty can be felt on their making application to the government of the Mauritius.

3d.—With regard to the Vakeels, the Governor in council deems it advisable to furnish them with a passage back to Johanna by the first opportunity, unless they should be able to procure one for themselves.

I have, &c.
(signed) *F. Warden*, Chief Secretary.

Bombay Castle, 11th November 1813.

(True copy.) (signed) *J. Farish*, Sec. to Government.

Ordered, That the following letter be written to the Chief Secretary to the Government of Bombay.

To Francis Warden, Esq., Chief Secretary to the Government of Bombay.

N° 33.

Sir:—I am directed to acknowledge the receipt of your dispatch of the 11th ult., reporting the communication which has lately taken place between the government of Bombay and the king of Johanna.

2.—The claim which the people of Johanna have established for the consideration of the British government by their friendly and hospitable treatment of the officers, passengers, and crew of the English ships visiting that island, will make the Governor General in council at all times desirous of showing attention to the wishes of the king, as far as is consistent with the public interest, and his Excellency in council would not have disapproved of a reference to the Supreme government on the subject of the application of the envoys from Johanna, and of their being permitted to await at Bombay the receipt of an answer.

3.—With regard to the point which forms the subject of the representation of the king, I am directed to request you to submit to the Right honourable the Governor in council the following observation. The Governor General in council has determined to address the Governor of the Mauritius, and to suggest to his Excellency the measures of purchasing those unfortunate persons from their present masters, with a view to enable them to return to Johanna.

8.—His Excellency in council accordingly requests, that the government of Bombay will avail itself of an opportunity of signifying to the King of Johanna, that it is the intention of the British government of India to employ its efforts to obtain the liberation of the persons in question.

I have, &c.
Fort William, Dec. 10, 1813. (signed) *J. Adams*, Sec. to Government.

Bengal Papers: State of Slavery in Company's Territories.

Ordered, That the following letter be written to the Governor of the Mauritius, &c.

To his Excellency, R. T. Farquhar, Esq. Governor of the Isles of Mauritius and Bourbon, &c. &c. &c.

N° 34.

Sir:—The King of Johanna having represented to the British government in India, that several persons belonging to the government of Johanna were seized by the French, and carried to the Mauritius, where they were made slaves, I take the liberty of apprizing your Excellency of the circumstances, and of suggesting to your consideration the propriety of adopting measures for restoring those persons to the island from which they were taken.

2.—It is superfluous to advert to the claim which the King of Johanna possesses to the consideration of the British government, on account of the friendly and hospitable treatment afforded to British subjects visiting that island, a circumstance which adds to other motives for complying with his wishes in the present instance, that of encouraging a continuance of the same conduct.

3.—The best mode of effecting this object now recommended, will no doubt suggest itself to your Excellency's mind, but I feel persuaded, that if it cannot otherwise be obtained, the purchase of those unhappy persons from their present masters, is a measure which will ensure the approbation of His Majesty's government.

4.—I regret that it is not in the power of this government to state more precisely the number, situation and other particulars regarding the persons in question, but we have not thought it right to withhold even the defective information which we possess from your Excellency's knowledge.

5.—I take this opportunity of stating to your Excellency a circumstance which has been represented to me, in which the Honourable Company's government is peculiarly interested, viz. that there are several natives of these provinces, of both sexes, in a state of slavery at the Mauritius. They are stated to have been captured by the French in English vessels, in which they were acting either as lascars or menial servants.

6.—I am persuaded that your Excellency will concur in any proper measure which may be proposed to you for releasing from slavery persons born free, and who cannot, even by the perverted reasoning which defends a trade in slaves, be considered as fit objects of that detestable traffic, and I accordingly request your Excellency's assistance in obtaining the release of such of these unhappy persons as survive, that they may be restored to their country and their families. As individuals who have acquired the property in these unfortunate persons for a valuable consideration, may be considered to be entitled to be indemnified for their loss, I feel no hesitation in requesting you to purchase their freedom, and to charge the expense thus incurred to the government of Bengal.

7.—I need not request your Excellency to take such precautions in the execution of this measure as shall prevent the owners of the slaves from taking an undue advantage of it.

8.—I propose to make an early communication on the subject of this letter, to the authorities at home, with a view to obtain their sanction to the measures which I have taken the liberty of recommending.

I have, &c.

Fort William, 10th Dec. 1813. (signed) *Moira.*

Extract, Bengal Political Consultations, 17th June 1814.

Governor of the Isle of France to his Excellency the Right honourable the Earl of Moira, K. G. Governor General of India, &c. &c. &c.

Government House, Port Louis, Mauritius, 12th April 1814.

N° 1.

My Lord:—In reference to my letter to your Lordship of the 28th February last, I have the honour to transmit the documents inclosed, containing the result of the investigation which I immediately directed for ascertaining the grounds of the representation made by the King of Johanna to your Lordship's government. Your Lordship may be assured that my researches, which have been unremitted since the receipt of your Lordship's commands, shall continue to be directed to the purpose of obtaining any further light on the subject.

The

The records of the prize courts, previous to the capture of these islands, having been transmitted to France, considerable difficulties exist in establishing any evidence upon the other point, viz. of lascars and menial servants being captured by the French, and sold into slavery.

While the sepoy force was maintained here, I was enabled by their means to ascertain some instances of this nature, which were instantly acted upon by me, and freedom restored to the parties. In assuring your Lordship of the strict scrutiny that shall be made on this occasion, I beg leave to report how much my researches will be facilitated by any information which may be procured in India, as to the individuals in question from their friends or relations.

I have, &c.
(signed) *R. T. Farquhar.*

Monsieur Bonnefoy, Interprète du Gouvernement.

Baye aux Fortices, le 16 Mars 1814.

N° 2.

Monsieur :—J'ai reçu à trois heures votre lettre de ce jour, et la traduction de deux lettres Arabes qu'elle renfermoit.

J'aurais bien désiré pouvoir vous faire passer des renseignemens positifs sur les faits articulés dans ces deux lettres au sujet de Messrs. La Blanche et Labadie. Je vous déclare que ces deux affaires étaient du ressort des administrateurs généraux : les réponses en pareil cas se faisaient à l'intendance ; l'intendant général les faisait signer au Gouverneur Général, et je n'avois aucune connaissance de leur contenu.

Je me rappelle parfaitement bien que feu le Gouverneur Général Malartie a fait renvoyer dans leur pays des prisonniers Arabes qui ont été réclamés ; mais je ne puis vous dire si tous l'ont été, ni l'époque, ni le navire qui les a transportés.

Je ne dois pas taire que le Roi d'Anjonan a envoyé, à différentes reprises, des ambassadeurs ou envoyés au sujet de quelques reclamations qu'il avoit à faire au gouvernement de l'Isle de France ; qu'il est à ma connoissance que ces envoyés s en sont toujours retournés satisfaits ; et qu'il a été fait à leur prince des presens consistants en canons, armes, poudre, &c. dont la valeur a toujours excédé de beaucoup les reclamations faites.

Je vous renvoye ci-joint la traduction des deux lettres Arabes, que vous m'avez envoyée en communication. J'ai, &c.

(signé) *Galechet.*

Pour copie conforme.
(signé) *C. Telfair*, Sécrétaire en Chef du Gouvernement par interim.

A Monsieur Bonnefoy, Assistant Interprète du Gouvernement.

Plaines de Wilhems, le 19 Mars 1814.

Monsieur :—Aussitôt votre lettre reçu, je me suis occupé des moyens de satisfaire à son Excellence le Gouverneur Farquhar, mais toutes les rechèrches que j'ai pu raisonablement faire pour repondre aux differents articles de votre lettre ont éte malheureusement infructueuses : je n'ai rien trouvé de relatif aux Arabes.

Comme ci-devant commissaire des armemens, je me rappele que le nommé Jean Naud, maitre-calfât du port à l'époque de la prise de l'isle, et que je crois actuellement habitant au Piton, est le même M. Jean qui fut porteur des lettres Arabes en datte du 24 Août, 1797. Cet homme, qui devoit donner des détails aux administrateurs généreaux, pourrait peutêtre donner quelque renseignement sur le resultât.

Je vous prie, Monsieur, de témoigner tous mes regrets à son Excellence le Gouverneur Farquhar de ne pouvoir lui donner des renseignements satisfaisants sur ces objêts. J'ai, &c.

(signé) *A. Marrow.*

Je joins ici les deux traductions Arabes, et la réponse que vous a faite M. Galechet.

Pour copie conforme.
(signé) *C. Telfair*, Sécrétaire en Chef du Gouvernement par interim.

Traduction exacte de deux lettres Arabes, l'une de Sultan Kela et Sultan Aboo Beckin Ibn et Sultan Hasan Ibrahim et Sherazee et Kelwa, et l'autre du gouverneur de Kelwa Shaik Mahomed Ibn Kalaf Ibu Amer et Harthee, en datte du mois de Rabia et Awah, l'an mil deux cent douze de Mahomet, répondant au 24 Août, mil sept cent quatre-vingt dix-sept.

Bengal Papers: State of Slavery in Company's Territories.

Au Gouverneur Général, &c. en son conseil, des Isles de France et de Bourbon, en leur Departement.

Honourables Messieurs:—J'ai l'honneur de vous informer, vous dont l'amitié subsiste depuis tant d'années entre votre nation et la vôtre, vous dont la nation est plus étroitement liée avec nous que toutes autres dans cette partie du globe, qu'il y a quelque temps qu'un vaisseau à deux mâts François, commandé par M. Labadie, croisant près de la rade d'Angewa, vit un de nos vaisseaux, à l'ancre dans cette rade; qu'il employa tous les moyens de s'en emparer; mais que s'étant apperçu que ses tentatives étaient vaines, il l'abandonna, et fit route pour Kelwa Isle, appartenante au Imaun de Mascatte, allant de la à Coora, autre isle entre Kelwa et Massia, où il fut rencontré d'une de nos Dahauts, (au Chelingues,) allant à Zanguebar avec une cargaison de trois cents noirs, cinquante grosses dents de Morphit, et dix mille piastres.

Lorsque le Nacodar de la Chelingue s'apperçut que les Français étaient resolus de le prendre, ne pouvant pas se defendre, il s'efforça de s'échapper, mais vainement. M. Labadie le chassa, et tira sur lui, au point que plusieurs hommes de l'équipage de la Chelingue et onze esclaves furent forçés de se jetter à la mer pour gagner l'isle de Sumaya près d'eux, laissant plusieurs hommes à-bord. Les Français allèrent à-bord, et pillèrent les objets sur-mentionnés, s'emparèrent de plusieurs propriétaires Arabes, hommes de distinction, les ménèrent à-bord de leur vaisseau, et les firent prisonniers.

Cette nouvelle, étant parvenu à la côte, étonna d'autant plus qu'elle était incroyable de la part d'une nation dont les vaisseaux trouvaient tous les jours des services de tous genres dans nos ports, et étaient reçus avec amitié. Persuadé que vous ignorez ces faits, et que vous êtes éloigné de les approuver, je vous demande justice, messieurs, conformément aux lois Françaises. Je vous prie de donner vos ordres pour que M. Labadie remette les Arabes qu'il a fait prisonniers ensemble les effets et marchandises qu'il a prit que le tout me soit envoyé.

Les naturels du pays voulaient tuer le porteur de la présente M. Jean, qui est resté ici long-temps par défaut d'occasion pour vous le faire passer. Je me suis opposé à cet acte de violence de leur part, leur ayant donné ma parole qu'aussitôt que ma lettre parviendrait à l'Isle de France, leur biens et effets seraient vendus.

Convaincu de la justice des nations Européennes, et principalement de la générosité de la nation Française.

Après lecture faite de ma lettre, vous voudriez bien me faire réponse, et me croire,

Messieurs,

Votre sincère ami.

P. S.—Le porteur de la présente, M. Jean, pourra de vive voix, vous donner des détails plus circonstanciés que je ne pourrais le faire par écrit.

Je soussigné, interprète de l'état, juré pour la langue Anglaise, certifie la traduction ci-dessus et d'autre part véritable. Fort N. O. Isle de France, le 10 Ventose, an 6.

(signé) *P. Bonnefoy.*

(Pour copie conforme.) (signé) *C. Telfair,*
Sécrétaire en Chef du Gouvernement par interim.

Port Louis, le 4 Avril 1814.

A Mons. le Cap[e] Rossi, Deputé Sécrétaire du Gouvernement.

Monsieur:—J'ai l'honneur de vous transmettre des pièces, au nombre de trois, qui m'ont été confiées par son Excellence le Gouverneur, à l'effet de lui procurer des renseignements relativement à des Arabes enlevés par le Capitaine Labadie, et reclamés, en 1797, auprès du gouvernement de ces isles par le Rajah d'Anjouan.

Conformément aux instructions que j'avais reçues de son Excellence, j'ai fait venir au port et paraître dans mon bureau, M. Jean Naud dont est question en la lettre du Rajah. Ce particulier, dont le caractère simple doit garantir la verité des faits sur lesquels je l'ai interrogé, m'a declaré affirmativement qu'il n'y avait en que deux Arabes enlevés par le Corsaire du Sieur Labadie, et que le Rajah lui-même avait été informé qu'il n'en existait pas un plus grand nombre, que ces deux Arabes avaient été conduits à-bord du dit Corsaire, que l'un deux avait été jetté dans la mer d'ordre du capitaine, et que l'autre, voyant le sort qu'on avait fait subir à son compatriote, s'était volontairement, et après une courte prière, precipité dans les

les flots. M. Jean Naud a observé que Labadie avait disparu après une action aussi atroce, et qu'il presumait qu'il était mort dans l'Inde. Il m'a également déclaré qu'il n'existait plus, depuis long-temps, dans la colonie aucun individu faisant partie de l'equipage du navire que commandait Labadie.

J'ai l'honneur d'être, avec la consideration la plus distinguée,
Monsieur, votre, &c.
(signé) *Virieux*, Procureur Gen.

MINUTE.—The Governor General in council observes, that as the information was quite general, and obtained at the Isle of France, no measures for ascertaining the connections of the natives of India, supposed to be held in slavery at the Isle of France, can be made here with any prospect of success.

Extract, Bengal Political Consultations, 9th September 1814.

Government of Mauritius to his Excellency the Right honourable Francis Earl of Moira, K. G. Governor General, &c.

N° 1.

My Lord:—The bearer, who calls himself the Duke of Abdul, a native of Johanna, came up from Madagascar with a letter from the civil agent of this government there, of which the enclosed is a copy; he does not appear, however, to have any pretensions to be considered as in any way an accredited agent of the government of Johanna, but as he has expressed a desire to proceed to Bengal, I have directed a passage to be given him on board the Lady Campbell, and advanced him two hundred (200) rupees.

I have made inquiries of him relative to the inhabitants of Johanna, said to be sold into slavery here, under the French administration; it appears, that this has consisted merely of prisoners of war taken in battle between the inhabitants of Madagascar and Johanna, and it is to be hoped that these wars, which have considerably diminished since the abolition of the slave trade in the British dominions, may be finally extinguished by the extension of that benevolent law to the Portuguese and Arabian settlements on the east coast of Africa.

I have never ceased to give the most positive instructions to the agent at Madagascar to make the cessation of the slave traffic, and consequently the cessation of warfare, the prominent subject of his interviews with the native princes of that island, and to hold out to them that it was the surest method of conciliating the favour of the British Government.

I have, &c. (signed) *R. T. Farquhar.*

Port Louis, Mauritius, 19th July 1814.

Tamatave, 18th June 1814.

To Charles Telfair, Esq. Secretary to Government, Isle of France.

N° 2.

Sir:—You will receive this by the hands of a messenger from the Comora Islands, sent to solicit the protection and assistance of the English in attacks made on those Islands by the natives of the western coast of Madagascar, principally with a view to carry off slaves. These Islands affording the necessary refreshments, &c. to the ships of the East India Company which pass by the Mosambique Channel, I have considered the subject of that importance, to order the messenger a passage on board the Modeste, Captain Lamie, being the first vessel for the Isle of France, and I hope this measure will meet the approbation of his Excellency the Governor.

I have, &c.
(signed) *J. J. Thompson*, Gov^{t} Agent, Madagascar.

Ordered, That a copy of the foregoing dispatch from his Excellency the Governor of the Isle of France be transmitted to Mr. Secretary Adam, with the following letter:

To J. Adam, Esq. Secretary to Government in the Political Department.

N° 3.

Sir:—I am directed by his Excellency the Vice President in council to transmit to you, for the purpose of being submitted to his Excellency the Governor General, the enclosed copy of a dispatch from his Excellency the Governor of the Isle of France to his Lordship's address, which was delivered by the person whom it introduces to his Lordship's notice.

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2.—From the communication made by the civil agent at Madagascar to the government of the Isle of France (a copy of which forms an enclosure in Mr. Farquhar's letter), it appears that the person styling himself the Duke of Abdul was sent to Port Louis from the Comora Islands to solicit the protection and assistance of the English against the attacks made on those Islands by the natives of the west coast of Madagascar, with a view to carry off slaves It does not appear, however, that he had any other object in visiting Bengal than that of gratifying his curiosity to see the country.

3.—Although the person calling himself the Duke of Abdul, is not vested with any public character, yet under the circumstance of his introduction to his Lordship, by the Governor of the Isle of France, who appears to have supplied him with money for his expenses at that colony, and from the policy of shewing hospitality to an individual of an island, the inhabitants of which have always proved themselves so friendly to the English nation, and so useful in affording supplies to the ships of the Honourable Company, which pass by the Mosambique Channel, his Excellency the Vice President in council has deemed it proper to afford him accommodation and other necessaries during his stay at this presidency, at an expense not exceeding 200 rupees per mensem.

4.—The Vice President in council proposes to send the stranger by the first opportunity to Muscat, agreeably to his desire, when he will have no difficulty in securing a passage to Johanna. I have, &c.

(signed) *J. Monckton*, Acting Sec^{y} to Government.

Fort William, 9th September 1814.

Ordered likewise, That a copy of the above-mentioned dispatch from his Excellency the Governor of the Isle of France, be transmitted to the acting Persian secretary, with directions to supply the person styling himself the Duke of Abdul, with whatever is necessary for his accommodation and support during his stay at Calcutta, at an expense not exceeding 200 rupees per mensem, and further to provide a passage for him by the first opportunity to Muscat, whence he will prosecute his return to Johanna.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Political Department; dated 22d March 1816.

Letter from the Government, dated 31st March 1814 (71 to 80). Claim of the King of Johanna to the release of certain persons stated to have been carried by the French to Mauritius, and there made slaves.

15.—With respect to the circumstance alleged by the King of Johanna, of certain persons his subjects having been carried by the French to Mauritius, and there made slaves, we entirely approve of your suggestion to the Governor of the Mauritius, for the purchase of such individuals, if in a state of slavery; and likewise of your further application to the Governor of Mauritius respecting several natives of our Indian provinces of both sexes being in a state of slavery on that island, and requesting his assistance in obtaining their release, or in purchasing their freedom, and charging the expense to your government.

The case of a Slave Girl in the family of a Mussulman at *Allypore*.

Extract, Bengal Judicial Consultations, 2d August 1814.

ABSTRACT STATEMENT of Prisoners punished, without reference to the Nizamut Adawlut, by the Court of Circuit for the Division of Calcutta, at the Jail Delivery for the Foreign Settlements in the 2d Sessions of 1813.

No. of Prisoners.	NAMES.	SEX.	AGE.	Religion and Caste.	Profession.	Crime established, and when committed.	Conviction on *violent presumption* or otherwise.	Sentence of the Court of Circuit.	Explanation and Remarks.	Remarks of the Nizamut Adawlut.
	Khyrun Nissah Khanun.	Female.	24	Mussulman	Married woman	Cruelty towards the prosecutrix, by beating and burning her privy parts, and other parts of the body, 8th January 1814.	—	To pay a fine of rupees 200 to government, in default of of which to be imprisoned for six months. 2d April 1814.	This prisoner, a married woman of respectability, is convicted of cruelty towards the prosecutrix her slave girl, a child of 11 years of age, by beating and burning her privy parts and other parts of the body. By the law officers. Futwah, the girl, is emancipated from slavery.	—

Allypore, 4th May 1814.

(signed) *J. Wintle*, First Judge.

(A true copy.)
(signed) *M. H. Turnbull*, Register.

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PAPERS relative to a Malay boy, claimed before the magistrate of the suburbs of Calcutta, by Shaik Futty Ally, as his slave, in 1815.

Extract, Bengal Criminal Judicial Consultations, the 18th July 1815.

Magistrate of the Suburbs of Calcutta, to W. B. Bayley, Esq. Acting Secretary to Government in the Judicial Department, Fort William.

N° 24.

Sir:—I request the favour of your informing the Honourable the Vice President in council, that it often occurs that children are brought in from the Tannahs, who have lost their way, and are unable to point out the residence of their parents, and are in consequence placed under the care of the Nazir of the court, until such time as they are claimed by their parents.

Under the above rule of practice, a Malay boy was brought in and claimed by Shaik Futty Ally Jemadar, who declared the boy was his slave, and was bought for 100 rials, by his brother in law, Dueloll Soobadar, of the Golamdauz battalion, at Java; on which the boy was produced, but refused to go with the man, declaring he had been cruelly treated, and would not stay with him any longer; and therefore, under the proclamation by the late Marquis Cornwallis, I deem it expedient to report the case for the information of government, in order that the boy may be returned to his own country.

I am, &c.

(signed) *John, Elliot*, Magistrate.

Fouzdarry Adawlut, Suburbs of Calcutta, the 4th of January 1815.

Ordered, That the acting secretary write the following letter to the magistrate of the suburbs of Calcutta.

To the Magistrate of the Suburbs of Calcutta.

N° 25.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of a letter from you, dated the 4th instant, reporting the case of a Malay boy, claimed by Shaik Futty Ally, as his slave.

2.—The act of purchasing and bringing from Java, as a slave, the boy alluded to in your letter, being illegal, you are desired to inform Shaik Futty Ally accordingly; and to liberate the boy from further restraint; explaining to him at the same time, the purport of the present orders for his information.

I am, &c.

(signed) *W B. Bayley*, Acting Secretary to Government.

Council Chamber, the 18th July 1815.

COPIES of Communications from R. T. Farquhar, Esq. Governor of the Island of Mauritius to the Governor General in council, relative to the abolition of the Slave Market on those Islands; containing copies of the agreements concluded, in the name of the British Government, with Radama, King of Madagascar, in 1817, together with some further Communications respecting the application of the King of Johanna in 1813: 1813—1818.

Extract, Bengal Political Consultations, 27th February 1818.

Governor of Mauritius to His Excellency the most Noble Marquis Hastings, K.G. Governor General of India, &c. &c. &c.

Government House, Port Louis, Mauritius, 1st August 1817.

N° 39.

My Lord:—I have the honour to state to your Lordship, that having had a conversation with Mr. Richards on the subject of Madagascar and the several clusters of islands in our neighbourhood, and the political relations and connections we hold with them respectively, I have deemed it proper to communicate to your Lordship's government the position which we hold with respect to Madagascar, as it is one of growing importance and consideration; and in order to put your Lordship in possession of the details, I subjoin extracts of my official correspondence with the the Secretary of State, and of my several treaties with the chieftains of that vast fertile and populous country.

Your Lordship will observe from the documents, that my object has been from the first to preserve the rights which fell to the British dominion by the conquest of 1810, to contribute to the settlement and improvement of civilization of the numerous and augmenting population, to abolish the slave markets of these islands at its source,

source, and to put an end to those piratical expeditions which were fitted out from Madagascar by the native chieftains for the pillage of the neighbouring coast and reducing the inhabitants into slavery, and particularly those of Johanna and the other Commoro islands.

It will be satisfactory to your Lordship, I am persuaded, to observe that the success which has attended these measures had been much beyond any thing that could have been reasonably hoped, and that connections have been formed of the most friendly nature which must give to the British name a preponderance in Madagascar, far beyond what could have entered into contemplation in so early a stage of our progress.

The extract of the diary of the British agent at Tamatave will, I flatter myself, be an interesting document to your Lordship, and exhibit that nation in a point of view which is new and striking. This brings the history of our measure up to the present time, and I shall continue to communicate to your Lordship our further progress as events occur worthy of notice.

I shall not neglect to avail myself of the influence thus obtained in securing to the king and inhabitants of Johanna, and the rest of the Commoro group, that protection they have so well merited, by their invariable attachment to the British name and the interest of the Honourable East India Company, and I confidently hope to obtain that still greater object, which has occupied so much of my attention, and for which I have made so many efforts, the effectual abolition of the slave traffic at its source in this hemisphere.

The complete civilization of Madagascar, and the adoption of that power into the place which nature has intended for so highly favourable a region, are subjects of consideration which I hope at a future occasion to submit to your Lordship's attention.

I have the honour to be, &c.

(signed) *R. T. Farquhar.*

(Copy.)—Enclosure, N° 1.

To the Right honourable Earl Bathurst, &c. &c. &c.

Port Louis, 20th April 1815.

N° 40.

My Lord:—Among the changes introduced into the political relations of the government of this island and its dependencies, by the restitution of Bourbon to his Most Christian Majesty, there is one of prominent importance upon which I request to be honoured with your Lordship's commands; I allude to the possession and trade of Madagascar.

Anxious to have your Lordship's instructions to guide me in the steps it may be necessary to adopt on all points materially involving the public interests, I hasten to lay before your Lordship all the information I possess in Madagascar, accompanied by a statement of the provisional measures I have adopted with respect to that island, and of considerations which led to them.

The commands under the sign manuel of H. R. H. the Prince Regent, under date the 14th July 1814, direct me to restore to his Most Christian Majesty the Island of Bourbon solely, which restitution was effected on the 6th instant, as detailed in my letter to your Lordship of the 9th April 1815.

The orders of the Minister of Marine in France appear likewise to be confined to charging General Bouvet and Mr. Marchant to take over possession of the Isle of Bourbon, solely in the name of his Most Christian Majesty.

Conformably to the 8th article of the treaty of peace of the 30th May 1814, France cedes to England the Isle of France and its dependencies, especially the islands of Rodrigues and Seychelles, one an adjacent, the other a very important distant dependency.

It appears, therefore, that the whole extent of territory comprehended in the boundaries of the Isle of France and its dependencies (without exception) which were unconditionally transferred to the dominion of Great Britain by the capitulation of Port Louis in December 1810, forms now a part of the dependencies of this government, and must still be considered under the sovereignty of Great Britain.

Before the conquest, the Governor General of the French possessions in this hemisphere were marked on the north of the equinoctial line, on the south of the circle of latitude on the Cape, on the east of the meridian of Point de Galle in Ceylon, and on the west by a line proceeding from the 47th degree of east longitude, down the middle channel of Mosambique, till it cuts the latitude of the Cape, of which a sketch is subjoined.

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Within these limits is the Island of Bourbon, which was taken possession of in July 1810, having no dependencies, and in that state restored on the 6th instant, agreeably to the treaty of peace. All the other islands and inlets comprehended in the above boundaries were, without exception, immediately subject to the Governor General of the Isle of France, from which all acts of authority relative to their dependencies emanated, and from which the officers appointed to the charge of those dependencies received their powers; and although I have cautiously avoided any interference with the native chiefs in Madagascar, and my attention has been principally directed to the improvement of the two islands more immediately under my control, a British agent has been kept at Madagascar, preserving our rights, facilitating the importation of cattle and rice into these colonies, and preventing any illegal and clandestine trade in slaves.

After the restoration, therefore, of Bourbon to France, I felt that it was an indispensable duty on my part to promulgate anew those laws and regulations and restrictions with regard to the settlement and commerce of Madagascar and the other dependencies, which had successively emanated from the government, whose rights we stepped into, which had been invairably maintained since the conquest, and which had not been abrogated or even affected by any act of the respective mother countries in Europe. I felt it was particularly my duty to do so at this moment, to prevent His Majesty's subjects from being inadvertently seduced into a prohibited and felonious commerce; and these considerations acquired additional force from the conflicting circumstances and adverse interests of the colonies of Mauritius and Bourbon, from the encouragement given to the slave trade by the government of his Most Christian Majesty in the latter, and the wise abolition of that traffic through all the possessions of the British Crown.

Such are the principal grounds and considerations by which I have been actuated on issuing the inclosed proclamation* for regulating the provisional intercourse with Madagascar. As the safest mode of proceeding in the absence of any specific instructions on the subject from His Majesty's government, I have confined myself to confirming the dispositions actually existing previously to the restoration of Bourbon as far as concerned this government and its dependencies; and I have the honour to annex, for your Lordship's information, the two of my predecessor, General De Caen, which are more particularly to in the proclamation.

* Not here recorded.

Two principal agents exercised a superintendence over the whole eastern side of Madagascar, the one from Fort Dauphin to the River Manazauree, the other from that river to the northern extremity. The agents were nominated by the Captain General, and they had the power of nominating secondary agents in the different places within the limits of their respective superintendence. No persons could proceed to Madagascar with the intention of residing in that island, either permanently or temporarily, without the express permission of government.

In short, in whatever part of the coast of Madagascar a merchant might have the intention of establishing a trade, he was obliged immediately to put himself under the superintendence of the agent, and was subject to all the rules which it was that officer's duty to carry into execution.

These explanations are alone sufficient to show, that the whole of Madagascar, where it is possible to establish a commerce with the natives, was only considered as a dependency of the government of the Isle of France, and that all persons who might fix their residence in or trade to that island, were constantly dependent on the chief authority, the seat of which was in this island.

Desirous of contributing to the welfare of a neighbouring colony belonging to a power in amity with H. R. H. the Prince Regent's government, and anxious to preserve the corresponding interests and relations which have so long united these two islands, it appeared on a cursory view to me at first sight, that the Governor of Bourbon and myself might make such arrangements as would admit the inhabitants of Bourbon to a participation in a direct trade to the ports of Madagascar.

This intended permission, which would only have been provisional, would have left entire the rights of the British government, and would have existed only until your Lordship's decision on its propriety might have been made known to me; but I felt myself obliged to renounce the idea when I reflected on the weighty responsibility I should incur if I acquiesced even for a moment in any measure by which the inhabitants of Bourbon, who are authorized to carry on the slave trade, would be admitted to establish any commercial relations in places which had been previously open to that traffic, and over which I had every reason to consider, that the authority of the government confided to my care extended.

With

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With a view to the possibility of any reference to France by the government of Bourbon that might eventually come before His Majesty's ministers, I have deemed it my duty to leave nothing undone that could elucidate this subject; and in order to throw every light upon it in my power, I do myself the honour of transmitting to your Lordship, a note of the authentic documents, acts and instruments of the French government relative to the possession, cession to the Company of the Indies, retrocession to the Crown, and the particular acts of legislation affecting Madagascar through the succession of Governors who have held the general government of these establishments down to the last acts of my predecessor previously to the capitulation of the Isle of France, all of which are contained in the archives of the superior council of this island, now become part of the records of the court of justice. Copies of these records, proving a consecutive exercise of an undisputed sovereignity over Madagascar, I propose forwarding to your Lordship at full length, as soon as I can get them prepared.

As Madagascar produces objects of the first necessity at Bourbon, which, so long as they are prevented from procuring them by a direct trade with the eastern parts of that island, they must obtain through the Isle of France, or at a greater price elsewhere, it is not improbable that communications may take place on this subject between the Governor of Bourbon and myself, before any specific instructions arrive from your Lordship. In this event, I shall take care in no way to compromise the question. I shall urge, if necessary, the pretensions to the right of sovereignty or exclusive control which were transferred to His Britannic Majesty by the conquest of the Isle of France. I shall continue cautiously to avoid giving the native chiefs any cause of jealousy or dissatisfaction with the British government, and I shall confine myself to referring entirely to the wisdom of His Majesty's government for decision on any point that may be controverted by the local authorities here and at Bourbon.

In expressing a humble hope that these measures may be considered prudent on the occasion, may I be permitted respectfully to submit my opinion of the importance of maintaining the rights and privileges of His Majesty's government in that island entire, as one of those possessions (independently of the great political considerations of its capability and resources adverted to in my former dispatches) peculiarly deserving the protection of H. R. H. the Prince Regent, on an occasion which, without the intervention of H. R. H.'s government, would subject the numerous and advancing population of that island to the renewal of internal wars, with a view to feed the renewed market for slaves at Bourbon.

For, although the benevolent intentions of Louis the XIV., and of the several sovereigns of France, were expressed in their different acts, relative to the colonization of Madagascar in the encouragement held forth to the cultivation of the lands of freemen, to the intermarriages of the natives with French settlers, to the introduction of christianity, and the discouragement of slavery, these acts and regulations were invariably eluded and became obsolete, and the slaves for the service of Mauritius and Bourbon previously to the conquest, were generally obtained in preference from that source.

I have, &c.

(signed) *R. T. Farquhar.*

(Copy.) Enclosure 2.

To the Right honourable Earl Bathurst, &c. &c. &c.

Port Louis, 12th September 1816.

N° 41.

My Lord:—I beg leave to state to your Lordship, the arrival of two young brothers of Radama, King of the Ovas, the most powerful of the princes of Madagascar, an event which may be of considerable importance to the inhabitants of these colonies, and which may be followed by advantageous results for the ultimate civilization of Madagascar.

The different chiefs and sovereigns of that island had been inspired with much jealousy and distrust of the British government by the artificers of such of the French traders as had been interested in the slave trade, and whose traffic was suppressed by the establishment of the British government in these islands.

I therefore thought it indispensably necessary for preserving the harmony which should subsist between the British merchants and other subjects settled at Madagascar, and the native princes, to send a person properly qualified to the latter, in hopes of forming a lasting peace, and procuring protection to His Majesty's subjects on that island.

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One of His Majesty's subjects, a Frenchman of the name of Chardenoux, was indicated to me as peculiarly adapted for the accomplishment of the service, from his long and intimate acquaintance with the different native chiefs, and particularly from the friendship which has subsisted between him and Radama, King of the Ovas, for many years.

As my desire was at the same time to endeavour, by every amicable means, to cut off one great source of supply for the slave traffic, and as such a mission would at first appear as eminently contravening the interests of the native princes, I was the more disposed to accept of the services of Mr. Chardenoux on this occasion, as the former attempts of a similar nature I had made by means of English agents had universally failed, apparently from want of that delicacy and personal address so requisite in matters of this nature.

Subjoined is a copy of private instructions on this head, which I furnished to Mr. Chardenoux, and his answer.

Of these brothers of Radama now arrived here, one is the presumptive heir of his authority; they are accompanied by two of the chief ministers of their prince; by a son of one of the nobles of the nation of Betanaminies; three ministers of the King of Tamatave; two chieftains of the South, and a numerous suite.

To enable your Lordship to estimate the probable results of this mission, I beg leave to submit to your Lordship a rapid sketch of the political state of Madagascar, as it at present exists.

The Eastern coast is occupied by different nations, of which the most powerful are the Bitismisaries, the Betanaminies, and the Matatans. The smaller powers are obliged to follow the impulse communicated to them by those now named.

The Bitismisaries possess the fort of Taut pointe and Tamatave; the Betanaminies possess the country north of the territory of Tamatave to the lake of Nossive, the river of Mangourou forms the southern limits. The Matatans possess the coast from the river Manazoure to the river Mananghara, a few leagues north of St. Luee.

On the western side, the country is inhabited by a people called Leelaves, whose king, named Srimalaum, has sent his uncle as an envoy to propose terms of amity and commerce between the islands under my government and the trading ports of his extensive coast.

We have therefore reason to look upon the person now here, on the part of their respective sovereigns of Madagascar, as representing all that is powerful in the centre and on the coasts of that vast island.

Of those sovereigns the most warlike, most intelligent, and possessing the greatest means, is Radama. His people are the most industrious, and farther advanced in the arts of life than any other nation of Madagascar; and he has incorporated into the mass of his subjects, and reduced to his authority, all the surrounding petty states. His army consists of 40,000 men, armed with fire arms.

It therefore appears, that the friendship of so powerful a chieftain cannot fail of being eminently useful in assuring the safety and facilitating the commerce which may be undertaken, in a view of replacing the traffic in slaves abolished by the legislature.

These friendly bands will no doubt be strengthened, and the prospect of growing civilization opened, by the opportunity now given to the young princes to learn the arts and customs of European life, and the principles of our religion. The King Radama is himself eager for instruction, writes his language in the Arabic character, and is learning to write French in Roman characters; his brothers, who are arrived here, appear very intelligent for their age, which is about nine or ten years, and capable of acquiring every requisite principle of morals and religion.

(A true copy.)

Enclosure 3.

Extract of a Letter from Governor Farquhar to Lord Bathurst, dated Port Louis, 16th September 1816.

N° 42. The station of Lawquez, which was abandoned for the moment from the melancholy accident which has occurred to the agent and his followers, has now in consequence been resumed under happier auspices, and the acting agent resides there, and in perfect security, in the best-founded hopes of accomplishing, to the utmost, any object connected with his appointment

I have

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I have much satisfaction in adding, that whilst at Port Lawquez, Captain Le Sage, by the due exercise of that discretionary power I intrusted to him, and in conformity to my instructions on that head, succeeded in preventing the annual descent and attack upon the island of Johanna, so well known for its friendly reception of British shipping. The five hundred armed boats intended for the pillage of the Commoro Islands, and manned with the warriors of Madagascar, were sent back, and their chiefs pledged no more to renew their predatory warfare, whose principal purpose was to carry off the subjects of the King of Johanna into slavery.

The act of national justice now obtained by the successful accomplishment of the mission of Captain Le Sage, is universally regarded by those best acquainted with the true interests of these islands, as an object of the greatest possible importance to their present prosperity, as well as to their future progress.

(A true copy.)

(Copy.)—Enclosure 4.

Port Louis, Mauritius, 20th June 1817.

To the Right honourable Earl Bathurst, &c. &c. &c.

N° 43.

My Lord:—I beg leave to state to your Lordship, that in pursuance of the views and measures submitted to your Lordship in my letters of the (—) and (—) September last, I sent to Madagascar Captain Le Sage, my aid-de-camp, in order to keep on foot the friendly communication already established with Radama, the most powerful sovereign of that island.

Captain Le Sage returned to this part on the 9th April last, having completed his mission thither, and formed a permanent bond of amity between the government of Ovah and that of this island, as your Lordship will observe by the instrument subjoined.

Captain Le Sage's journey to the interior of Madagascar having been indispensably deferred until the commencement of the rainy reason, the persons composing his suite, together with himself, have suffered from the fatigue and sickness attending their route at that season, and under the circumstances in which they were placed.

I was in hopes of having been able to forward to your Lordship before now the journal of this mission; but the continued indisposition of Captain Le Sage has hitherto prevented him from completing it, and the numerous notes which he has preserved are in their present form too indistinct and disjointed to admit of their being forwarded to your Lordship. I hope, however, by an early occasion to transmit them to your Lordship, when reduced into order.

I shall only therefore take the liberty of stating here, that the result of this mission has been to assure, in an eminent degree, the safety and facility of intercourse between this island and the interior of Madagascar; that the impression it has made in that country is of the most favourable nature to the British name and interests; that we have reason to be satisfied that the princes of the interior of the island will imbibe no hostile feeling towards us from the vigorous efforts made by our cruizers to establish the slave traffic, although it is from that source these princes have been accustomed to draw a great portion of their revenue; and that we may reasonably and confidently hope, by the same friendly means hitherto pursued, to prevail upon those powers to put a final and effectual stop to any attempts at that illegal traffic at its source by their own municipal regulations. By these means, combined with those hitherto adopted by internal vigilance of the authorities under His Majesty's government here, and the watchful activity shown on all occasions by His Majesty's navy on the station, I have every reason to expect the most complete success in extinguishing the slave trade throughout this extensive archipelago radically and definitively; which I humbly conceive it is impossible to accomplish by any less comprehensive plan, whilst the market itself, so close at hand, is kept open, and the inducements of private interests run so strong in these islands in contravention to the abolition laws in England and France.

My confidence in the success of these measures is strengthened by my conviction that the cause of humanity and the abolition of the slave trade will be essentially promoted in Madagascar by the return of the two young princes (brothers of Radama king of the Ovas) who have been educated under my own immediate inspection in a due abhorrence of that unnatural traffic, and whom, at the request of their brother, I allowed to embark for their native country on the 29th ultimo.

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Previously to their departure in His Majesty's ship Phaeton, which conveyed them to Madagascar, I exchanged with them, according to their native custom, and at the request of their brother Radama, the solemn oath of blood in the presence of the commander of the forces, and the other principal officers of my government. I beg leave to enclose to your Lordship a copy of my letter to the King of Ovah on this occasion, who has come down in great state to the sea-shore to receive his brothers, and conduct them back to Tamatave, the capital of his country, situated at the distance of about twenty days march into the interior.

I shall not fail to keep your Lordship duly informed of every thing that may occur on this and every other service having any relation to the slave trade, for I am most anxious to fulfil the duties of my situation to the utmost on this point, not only in devotion to the commands of my prince, and the will of the legislature, but from the first principles and feelings imbibed in my early education, and cherished ever since; and I feel assured, that were it permitted to me to publish a relation of my efforts and their practical effects towards the accomplishment of this object, few individuals would be found to have been more indefatigable and persevering in the pursuit; I should not have dared to intrude in this public dispatch to your Lordship those reflections on my own personal conduct and exertions, did I not observe that the public prints are made the daily vehicles of obloquy and imputations against me, on a subject where all who know me, know me to be invulnerable.

I have, &c. (signed) *R. T. Farquhar.*

(Copy.)—Inclosure 5.

N° 44.

Treaty of amity, commerce and navigation, between the Governor of Mauritius and dependencies, and by B. Le Sage, Esq. agent to the Madagascar States, on the one part, and by His Majesty Radama, King of the Ovas, on the other part.

Article 1st.—The peace, friendship and good understanding, that at present happily subsists between the English and Ovah nations, shall be finally ratified and established by the present treaty, so that there shall be from this day forward, and for ever, a true and inviolable peace by sea and by land, and a sincere and close friendship and union between the kingdom of Great Britain on one side, and the kingdom of Ovah on the other, as well as between all their dependent countries, states, towns and ports, and the citizens and inhabitants thereof, without any exception whatever, of persons or localities. The subjects and inhabitants of the contracting states, shall not do to each other any harm, offence or injury, either in word or deed. They will most carefully avoid all abusive language on both sides, and treat each other with every possible respect and friendship.

Article 2d.—There shall be a perfect freedom of navigation and commerce throughout the dominions of the contracting powers; so that subjects of both states shall be at liberty to enter, trade, and remain without any let or molestation whatever, with their vessels, boats, people, in all the towns, harbours and rivers of the two contracting powers dominions, and buy and sell all kinds of merchandize and provisions, and there repair their vessels or boats; and they shall depart with the same freedom from thence with their goods, merchandize and effects whatever; provided they conform to the usual regulations of the port where they may happen to be.

Article 3d.—His Majesty Radama engages, that with respect to duties upon merchandize purchased by English merchants in his ports, or any other pretensions that he may have on English vessels trading to his dominions, British vessels shall not pay any duties.

The benefit which a due observance of this provision is calculated to secure to the British nation, shall, on the part of the government of Mauritius, be likewise extended to, and reciprocally enjoyed by the subjects of his Majesty Radama, trading in English ports, who shall be exempted from paying every other but the established duties payable by British merchants themselves.

Article 4th.—The contracting parties mutually engage, that all acts of piracy shall be punished in the severest and most exemplary manner, and that some arrangement shall be concluded between the two states as soon as possible, in order to the better discrimination of who are, and who are not, to be considered pirates.

Article 5th.—His Majesty Radama engages, that should any English ships or vessels of any description, be shipwrecked or lost in any part of his dominions, or where he has any authority or influence, all those persons who may be near at the

time.

time, whether on shore or passing in boats, shall afford the sufferers every possible assistance, and that the wreck or the goods, shall on no account be made a prize of, nor the people taken into slavery, but they shall be kindly treated, and together with their effects be conveyed to the nearest British settlement, where the governor will make such meritorious people as have been instrumental in preserving the lives, and protecting the property of their fellow creatures, such reward as shall appear suitable to the occasion.

Article 6th.—In the event of His Majesty the King of Great Britain's ships of war, or the Honourable Company, touching at any of the ports of his Majesty the King of Ovah, for refreshments or repairs, his Majesty Radama promises to protect them, as well as all other vessels belonging to the English, that may touch at his ports, every assistance in his power, and to furnish them at equitable prices with cattle, and such other articles of provisions as his dominions produce, in the speediest manner possible.

Article 7th.—The contracting parties further agree, and bind themselves, that in the event of any acts being committed by the subjects of either states, contrary to the terms of the treaty, it shall not occasion the breach of the treaty, or of the friendship and good understanding that has thus been permanently concluded between the two powers, but that satisfaction shall be demanded by the aggrieved party; that an investigation shall immediately take place, and those individuals who shall be found to have transgressed the treaty, shall alone be punished for a breach of duty and disturbing the public peace.

Article 8th.—His Majesty Radama agrees, that no white man whatever shall have liberty to remain and reside in his dominions, without a pass signed by his Excellency the Governor of Mauritius, with the government seal affixed thereto; also, that no ship or vessel without the said passport, shall be allowed to enter into any of his ports or dominions, for the purposes of commerce. B. Le Sage, Esq. agrees that no Ovah shall be permitted to remain at Mauritius, without a like pass from his Majesty Radama.

In witness whereof, we the underwritten, have signed the present treaty, consisting of eight articles, and affixed our seals thereto.

Done at Tamatave, 4th February 1817.

(signed) *Radama.*

B. Le Sage.

Ratified by me, at the Government House, Port Louis, this 21st day of June, 1817

(A true Copy.) (signed) *R. T. Farquhar.*

Traité d'amitié de commerce et de navigation entre le Gouverneur de Maurice et dépendances, et par Capitaine Le Sage d'un coté, et par Jean Réné, chef de l'état de Tamatave de l'autre.

Article 1st.—La paix, l'amitié, et le bon intendement qui subsistent acquellment entre la nation Anglaise, et l'état de Tamatave, dont Jean Réné est chef serront definitivement ratifiés, et établis par le traite actuel de sort qu'il y aura dorénavant et à jamais une paix vraie et inviolable par le mer et par les terre; et une amitié sincère immutable et parfaite entre le royaume de la Grand Bretagne d'une coté, et les sujets de Jean Réné, chef de Tamatave de l'autre, aussi bien qu'entre tous les pays, états, villes et ports y dependants, et les naturels, citoyens et habitans des dites sans exception quelconque soit de personnes, soit de localité.

Les sujets et les habitans des états contractants ne serons aux uns ni aux autres aucune offense ou injure, soit de mot, soit de fait. Ils éviteront soigneusement tout la langue abusive de chaque coté, et ils s'entre agiront avec l'amitié et le respect le plus absolu.

Article 2d.—Il y aura une liberté parfaite de navigation et de commerce partout les dominions des partes contractants; de sorte que, les sujets des deux états seront libres à faire le commerce sans aucun obstacle ou molestation quelconque envers leurs vaisseaux, canots ou peuple, dans tous les ports, villes, et rivières des dominions des deux partis contractants; et à acheter et vendre touts sortes de marchandises et de rivres, et y reparer leurs vaisseaux ou canots, et qu'ils eu partiront dans la même liberté avec leurs effects en se conformant aux regulations accoutumées du port ou ils se trouvent.

Article 3d.—Les partes contractants s'engagant mutuellement que toutes les actes de piratée seront punis dans la manière la plus exemplaire, et que quelque mesure

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sera ajustée le plutot possible entre les deux états pour mieux s'assurer des contrevenants.

Article 4.—Jean Réné s'engage que dans le cas que des vaisseaux Anglais ou toutes sortes de bâtimens soient naufragés ou perdus dans quelque endroit des ses dominions ou partout ou il aie quelque autorité ou pouvoir, que toute personne qui peut être pris ou par la terre, ou passant dans des canots donnera aux naufragiés toute l'aide possible, et que ni les debus ni les effets ne seront par aucune consideration capturés et que l'equipage ne serra pas mis en esclavage; mais qu'ils seront bien traités et ensemble avec leurs effets sayent conduits a l'établissement Anglais le plus proche, et le gouverneur recompensera ceux qu'ont taché de conserver la vie et proteger la proprieté de leurs semblables, dans une manière convenable à l'occasion.

Article 5th.—Dans le cas de l'arrivée des vaisseaux de guerre de la Grande Bretagne, ou des vaisseaux de la compagnie touchant à Tamatave pour des refranchissement Jean Réné promit de leur fournir aussi bien qu'a tous les autres vaisseaux appartenants aux Anglais, toute l'aide qu'il peut et leur fournir a des pris raisonnables des approvisionnements et des deurées tels qu'il y'aie dans ses dominions dans la manière la plus prompte.

Article 6th.—Les partis contractants conviennement additionellement et se tient que dans le cas de la commission de quelques actes soit par les sujets de l'un soit de l'autre état, qui soyent contraires aux termes de ce traité; qu'une telle circonstance n'aura pas l'effet de rompre ce traité, ni a detruire l'amitié et le bon entendement qui ont été definitivement conclus entres les deux états, mais que toute sorte de dédommagement sera demande par le parti injurée ou souffrant, et que des recherches auront lieu, a fin de punir ceux qui aient violé ce traité en troublant la tranquillité publique.

Article 7th.—C'est aussi convenu entre les hauts partis contractants, que pour prevenir ceux de leurs sujets qui pourraient pretexter ignorancede ce traité de l'amitié entre les deux états que les articles cy-dessus seront publiés dans tous les ports subordonnés, et dans toutes les provinces de leurs dominions respective, à quel effet ou en sera des copies dans les langues de chaque pays; lesquels ayant été vises seront envoyes a tous les officiers commandants en chef aux divers endroits que soyent sous le commandement de Jean Réné et qu'ils lus publiquement par eux a leurs vaisseaux et une copie resera en archive a chaque endroit.

Article 8th.—Jean Réne convient qu'a l'egard des impots sur les merchandises achetées par des negocians Anglais dans ses ports; en toute autre pretention que Jean Réné pousse avoir sur des vaisseaux Anglais fesant le commerce dans ses dominions, que les sujets Anglais ne payeront point de droit; autre que le paiement accoutumé de dix (10) piastres pour le mouillage de châque bâtiment; et le cadeau d'un peu d'arrack, suivant la contume de tous les temps.

Le benefice qu'une bonne observation de cet article est propre a faire jouir a la nation Anglais sera, par le gouvernemente de Maurice également étendre et joui par les sujets de Jean Réné, fesant le commerce dans les ports Anglais, que seront exempts de payer tout autre, que les droits établisque sont par les negocians Anglais eux mêmes.

En temoignage desquel nous les souscrits ayant signé ces articles en nombre huit, et y avous apposé nos secans.

Faita Tamatave, ce 24 de Novembre 1816. (signé) *Le Sage*, (L. S.)
Jean Réné, (L. S.)

Ratifié le present traité dans tout son contenu conforme à ma proclamation du 27th Avril 1815, et sauf la partie de l'article huit qui parait imposer dix piastres pour le mouillage de chaque bâtiment, ne voulant rien innover, mais laissant tous les usages et contenues à cet égard dans l'état ou ils étaient au moment de la prise de l'Isle de France.

(signé) *R. T. Farquhar.*

Port Louis, Isle Maurice, le 5th Janvier 1817.

Pour acceptation pure et simple sans aucune restriction et selons les desirs de son Excellence de Gouverneur Farquhar.

Tamatave, 8th Janvier 1817. (signé) *Jean Réné.*

N° 46.

Enclosure 6.

Treaty of amity and alliance, offensive and defensive, between His Majesty Radama, King of Ovah and dependencies, on the one part, and his elder brother, John Réné, King of Tamatave and dependencies, on the other part.

Article 1st.—Radama professes the warmest friendship and esteem for John Réné, King of Tamatava, and receives him as his eldest brother. These sacred ties will not fail to prove mutually advantageous to the contracting parties, by assuring the safety and authority of each against all their enemies, and the disturbers of good order and tranquillity.

Article 2d.—The rights and power of the contracting parties, instead of being infringed upon by either, remain not only untouched, but will not fail to augment, in proportion to the security, strictness and duration of their friendship.

Article 3d.—The contracting parties agree, in case of danger from their interior or exterior enemies, to afford each other the promptest and most effectual aid; and if any designs or machinations prejudicial to the interest of either come to their knowledge, to do their utmost to defeat them.

Article 4th.—If any question should arise from accident or misunderstanding on the part of the contracting parties, they agree by this article to submit the subject in dispute to the arbitration of their father, their friend, and their protector, Mr. Farquhar, Governor General of Mauritius and its dependencies.

Done at the camp of Manangharazan near Tamatave, this 9th day of July 1817.

(signed) *Radama.* (L. S.)
Jean Réné. (L. S.)
(signed) *F. Stanfell,*
Captain H. M. Ship Phaeton, Senior Officer.

Witness, (signed) *Thomas R. Pye,*
Agent of the Mauritius Government Madagascar.

(A true copy.)

(Copy.)—Enclosure 7.

Extract of the Diary of the British Agent at Tamatave.

N° 47.

4th July.—When on my way to Joondroux in the morning, His Majesty's ship Phaeton anchored in the roads. At Joondroux heard of Radama's near approach, by a courier I had sent to watch his motions. I took Peroque immediately, and when a short distance off the river, observed the advance guard on its left bank; I communicated with it, and found it under the command of Impaul, whose orders were to fall without mercy upon Joondroux, and Fish, its chief. I explained to him that Fish had withdrawn, and I had taken the village under my protection, and I had something to say to Radama, that would, I was sure, induce him to spare that village, and change his designs of hostility to the country and Jean Réné. They were at first deaf to my entreaties; but on saying if they fired a musket it was against the British government who had taken the chiefs under its protection, they went aside, and after a short consultation, they agreed to halt the fighting men at the river, where men also were ordered to prepare bridges for the passage of the main body in the morning. Being, however, himself charged with the message for Jean Réné, he (Impaul) must continue his route for Tamatave. This advanced guard, and its leaders, breathed such hostile inclinations and intentions, that I would not trust to their word when so much was at stake as the safety of the villages of Joondroux and Tamatave, and as Radama was still a day's journey off, I determined not to leave this force in my rear, but return to Joondroux, and await the near approach of Radama. I first sent a courier back to say, that I would meet him at the bridge early in the morning. Soon after my return to Joondroux, two officers from His Majesty's ship Phaeton arrived there, to inform themselves of the cause of the great alarm and abandonment of Tamatave.

5th.—Accompanied by my interpreter, Mr. Jaques Hubert, went to my appointed interview at the bridge. Radama was not yet arrived, but came soon after in a style of magnificence that I did not expect from an army, after a fatiguing march. He went to his tent. On his sending to say he was ready, I commenced the conversation, by asking what motive had procured us the honour of this unexpected visit, and desired he would at the same time explain his reasons for having first sent to Jean Réné, to say he was coming to pay him a brotherly and friendly visit with a few of his people only, and all at once changing his style to that of father, and

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a dictator at the head of a vast army, making demonstrations far from friendly. These contradictions had alarmed the chief and country to such a degree, that a full explanation of his intentions was necessary before I could consent to his entering Tamatave, as Jean Réné was the friend and ally of his Excellency, who was the father of both. He said there appeared to be some misunderstanding between Captain Le Sage and him, from whose conversation he thought it would not be disagreeable to his Excellency, if he came to take possession of the coast, and reduce to submission its petty republics. He had also the greatest friendship for Jean Réné, and in adopting him as a son, he still thought he was acting right; but if he was in an error, it was not too late to retrieve it, and his arms were open to receive Jean Réné as his brother, since his only fear was to offend Mr. Farquhar; but he was angry with Fish for an insulting message he had sent him, and begged I would leave them to settle it alone. I said I would not interfere in that quarrel, but only remark *en passant* that Fish was also the old friend of his Excellency, and to whom it would, I was sure, be pleasing if lenity was shown. I explained to him that it was for the mutual interest of him and Jean Réné to be friends and brothers. The latter was ready to acknowledge his sovereignty, but was jealous of any infringement of his rights. He then spoke of the war with Damanzee, and informed me that so far from being angry with Jean Réné for punishing that chief, he only envied him his glory, and was ashamed of being outdone. He had promised Captain Le Sage to execute that justice himself, and he found the only way to save his honour was to bring Damanzee and Mazangahombe prisoners to Tamatave to be delivered up to his Excellency's vengeance, and their heads, if it were his wish, should be the forfeit of their crimes. I said I would speak of this act at a future time. He then spoke of Hector, who he said had led him astray by bad advice, and repeated at every instant his devotedness and attachment to his Excellency the Governor, and his fear of offending him in any way. After a very satisfactory conversation, I appointed to meet him again at Joondroux, (to which he would march to-morrow to impart Jean Réné's sentiments). I then returned to Joondroux, breakfasted, and set out for Tamatave to relieve the anxiety of Jean Réné and all the merchants. Held a cabal of them, reproached them for their groundless fears and want of confidence. Jean Réné was on board the frigate; I wrote to him to come on shore, and to Captain Stanfell; the latter in answer said, Jean Réné would be glad to see me on board. After dining, went to wait on Captain Stanfell and Jean Réné, with whom I had a great deal of conversation; he was incensed against Radama, and would not listen to my explanations of his conduct, nor his wish to receive Jean Réné as his eldest brother; he was, indeed, so violent, and uttered such severe reproaches for his treachery, and I left him for the night much dissatisfied. He went on board his schooner, and after reading my dispatches he came on shore.

6th.—Left Tamatave in the morning in company with Captain Stanfell. We met Radana at Manangarazore, while performing a religious ceremony at the sea side. His encampment is there, to which Captain Stanfell and myself retired until that was over. We were seated as yesterday, he (Radama) read the Arabic letter of his Excellency aloud, and at the conclusion expressed the highest satisfaction. The ratified treaties concluded by Captain Le Sage were delivered at the same time. This concluded, I commenced the subject of Jean Réné, he repeated his sentiments of friendship for him, but begged I would leave Fish and himself to try the strength of their arms. I replied, I should by no means interfere in that quarrel, but, *en passant*, desired him always to bear in mind that Fish was the old friend of the English government. This request of Radama's afterwards appeared to me to be an artifice, to ascertain if I was disposed to espouse the cause of Fish against him; my reply, however, drew from him, that, on accepting Jean Réné as his brother, he could not carry to extremity his quarrel with that chief, whom he was willing to include in the treaty of friendship and alliance which he was about to enter into with Jean Réné. After a very long conversation, the whole of which it was impossible for me to repeat with exactness, we took our leave, with the entreaties of Radama, that I would send him notice forthwith if any scruples yet remained in the mind of Jean Réné. It was then arranged that he should enter Tamatave tomorrow, in order to receive his brothers with the honours and distinction due to their ranks, and the consideration of his Excellency for them. After which the reconciliation and reinstatement of Jean Réné is to take place. The treaty will be exchanged mutually in writing at a moment of more leisure.

Received yesterday, by the Phaeton, dispatches from his Excellency; she conveys the princes under the care of Mr. Hastee, who in the unforeseen event of Radama's coming

coming to receive them here, will probably be spared the fatigue of such a journey. Made arrangements with Captain Stanfell for the landing of the princes, and presents, to-morrow. Radama quitting his camp at Manangarazore will be announced by the firing of musquetry. When arrived and seated, a signal will be made by the Phaeton for the disembarkation of the princes, under a salute of twenty-one guns, which, independent of the honour and respect it conveys, cannot fail to be highly gratifying to the curiosity of Radama. If I were to undertake to mention instances of the discipline of Radama's troops, and the respect paid to all the property in Tamatave by the few who were on particular duties allowed to enter, the task would be useful. Radama's sole fear is, that any thing should happen to give offence to the English government, and throw a doubt on his solicitude to anticipate and fulfil all its desires and intentions. After an interview with Jean Réné, on board the Phaeton, and having informed him of all that passed between Radama and myself, I sent Monsieur Jaques Hubert to Radama, to say no fresh objections were raised by Jean Réné to impede the conclusion of the treaty of alliance between them.

7th.—Radama's entry into Tamatave; previously wrote to Jean Réné, to attend. The princes landed under a salute of twenty-one guns; Radama, on his car, at the head of his troops, when they passed to the front on horseback. They dismounted, and waited the approach of Radama, to whom they were conducted by Captain Stanfell, and were lifted into the car in front of Radama, who desired them to kneel before him. After continuing in this attitude for some time, Radama dismounted from his car, which was the signal for a feu-de-joie, the most tremendous I ever heard, there being not less than 20,000 men under arms. He remained some time in conversation with me, his brothers and Captain Stanfell receiving at the same time the compliments of many native strangers. A line was then formed, his soldiers drawn up, and he mounted his car to return to his camp. As I received him at the entrance of the town with all the Europeans, so I conducted him out of it. His brothers were put on the backs of two men, who marched in front to shew them to the whole army. After seeing him some distance, for the purpose of retiring his troops from the town, who have conducted themselves always with the greatest order and regularity, I came back; every thing was concluded by three P. M. I went to dine on board the frigate with Captain Stanfell. Radama, I was informed, after changing his heavy state dress, walked into the village in the evening, and made free with the bottle in company with Jean Réné, who is now his best friend and confidant.

8th.—Radama came into town to view his presents, and was delighted with their number and richness; he was attended by his disciplined guard, and passed the day in visiting all the European inhabitants without exception, and returned to dine with me at Monsieur Le Garde's, in company with Jean Réné and Captain Stanfell. He was anxious to quit his camp and return to Ancoe in the morning, but as the treaty between him and Jean Réné was not yet signed, I entreated him to defer it one day, to which he at last consented; and afterwards proposed to that chief to take, after its signature, the binding and solemn oath of blood with him; drew up the treaty of amity and alliance between Radama and Jean Réné; the latter approves entirely of it, and to-morrow is appointed for its formal ratification; wrote three in English, and the same number in French.

9th.—Assembled the European inhabitants at Jean Réné's, who accompanied us to the camp at Manangarazore, to witness the signature of the treaty, &c. Radama received us in his tent, he was in his shirt prepared for his oath. The treaty was translated into the Madagascar language in the Arabic character, which he entirely approved of, with the exception of the word "territory" in the second article. He said no line ought to be drawn; Jean Réné was his brother, and he gave him authority over the western part of the coast of Madagascar, when himself was in the east. So far even from diminishing his authority, it was extended over the country of Betanamine, which his gallantry had conquered, and whose chief Damauzee he had punished for the insult offered to their good God, the English. I very readily consented to put my pen through the word, which concession so pleased him, that no more difficulties were raised, and the signatures were put to the treaty. The latter article gave him great satisfaction, and nothing can surpass the attachment and devotedness to Mr. Farquhar, which words have an import and meaning in the present instance stronger than can be imagined. Radama's eyes brightened at the name, and he concludes all his conversations by saying, "he is overpowered with gratitude too strong for the expression of his feelings, and the only return he can make is, to follow his (the Governor's) advice and wishes, and

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his only fear is to do the least thing in opposition to either." I gave Radama a ratified treaty in French, and another in English. The same to Jean Réné, keeping one for his Excellency. Radama's secretary entered a copy in Arabic into a book for the reception of such documents. The oath took place immediately after; there was nothing unusual in the ceremony. Nothing now remained to be done but to quit the tent; the troops were drawn up, and a volley fired, which was the signal for the frigate to fire a salute of 21 guns, and an equal number from Jean Réné's battery on the beach. Radama's troops then formed a circle round us, and the two chiefs, Damauzee and Mazamgahombe, with the Betanamine people, were ranged in front. We stood on an eminence, from whence Radama leaning with one hand on the shoulder of Jean Réné, addressed them in explanation of the treaty of alliance he had just concluded with his brother, and cemented by an oath of blood. This happy termination of their expedition they owed to their good God the English, the guardian angel Mr. Farquhar, whose children, said he, we all are. An instantaneous and general shout of assent from 40,000 mouths was electric. He then addressed Damauzee and Mazangahombe, who were prisoners in front, threatening them with severer punishment than had now been inflicted on them, if they again did any thing to offend the English government. Told them they were henceforward in subjection to the King of Tamatave his brother, who was authorized to punish them for misbehaviour or aggression. They were to return to their chieftainships on these conditions, and continue during good behaviour. The troops were put through their exercise by Sergeant Brady, and never in Europe did I witness men more perfect and orderly. The commands were all in English. Their dress a turban, white shirt, jacket, waistcoat, and trowsers. Their belts of leather, and cartouche's of silver, ornamented with small beads. Their muskets glitter in the sun; in short, I was astonished at their appearance, subordination, and perfection. These might amount to about 500 men. There were also not less than 30,000 men with muskets, who, though not yet drilled, are not less correct in their conduct, nor less obedient to command. The king moves and directs this vast and apparently irregular force with a nod. No man enters Tamatave without a permission, and strict orders to avoid giving the least offence to the inhabitants, as no one sleeps out of the camp after sun set. The town, surrounded by this multitude within a mile, is as silent as the grave, and not the value of a grain of sand has been plundered or stolen. Radama enters the town with his guard only, but returns before sun set to his camp. His person and countenance are handsome and prepossessing, his mind great and enlightened, his soul noble, and his heart sensibly alive to the impressions of gratitude and friendship; indeed he appears to me to be in every way worthy of the crown he possesses, and is capable of making that respected, and his people happy. His attachment to European manners and customs, have already by example an astonishing effect, and will ultimately, by increasing their comforts, complete the work of civilization and the opening of a new commerce, in subordination of the traffic in slaves. The island will, I have no doubt, if the present policy of his Excellency is followed up with steadiness and zeal, rise into respect and consequence.

10th.—Heard of Radama's attempt to pass his army on rafts from Joondroux to the opposite side of the river, which, owing to the strength of the currents failed, with the loss of three men on the shoals at the mouth of the river. He then ascended its left bank to repass the bridges he had at first made. At 11 A. M. the Phaeton saluted Jean Réné's flag with 21 guns, after which Captain Stanfell and his officers waited on him to congratulate him on his acquisition of strength, power, and security, and on the return of tranquillity. The schooners employed in bringing fish, and his people, from Isle Aux Prune; merchants disembarking their property, others returning to Tamatave from the northward, and every thing is fast tending to its former state of confidence, order and happiness.

(A true copy.)

Chief Secretary to the Government of the Isle of France, to C. M. Ricketts, Esq. Chief Secretary to Government, Fort William.

Chief Secretary's Office, Port Louis, 3d September 1813.

N° 48.

Sir:—I am directed by his Excellency Governor Farquhar, to acquaint you, for the information of the Most noble the Governor General in council, that the bearers, two natives of Johanna, having arrived here on the 20th June ult. in their way to Bengal, in the capacity of ambassadors from their sovereign to the supreme government,

ment, his Excellency has ordered a passage to be provided for them and their suite, on board the schooner Courier, the price of which, amounting to four hundred and twenty dollars, has been paid here on account of the supreme government.

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I am also directed by his Excellency to acquaint you, that the further sum of four hundred and fifty dollars has been advanced to these persons on account of the Bengal government, to defray the expense of their passage from Madagascar to this island, and their wants during their residence here. I have, &c.

450 Drs.

(signed) *G. A. Barry*, Chief Secy to Govt.

Enclosure.

From the King of Johanna, received 4th August 1817.

N° 49.

I wrote to inform you of all the occurrences which have happened in this country, which is in fact your country; the people of Madagascar, who before came into this country, have lately proceeded to war and bloodshed, and brought ruin and misery on our people. In consequence of this, I have appointed special persons to ascertain how they can be relieved from the burdens of taxation, and refrain from exacting any duties on the profitable traffic which is carried on with India. I am altogether unacquainted with the nature of the intercourse which my subjects carry on with India.

I have lately learnt, that the Madagascar people meditate an expedition against the port of which has always been considered as yours. In consequence of this and of the interruption which the people of Madagascar occasion to the resort of English ships to this island, which has always afforded the means of subsistence to its inhabitants, the country is reduced to a state of great distress. As I consider the prosperity of the country to be under your guardianship, I hope that you will exert yourself to insure the resort of ships to the island, as heretofore; this will be advantageous, not only to me, but to yourself. The difficulties and distresses which overwhelm me are not to be wondered at, since the world is but the mansion of misery. The loss of the ships which have been wrecked, and the disasters which have been showered on my country, are both from the decrees of fate; but I have never failed to do every thing in my power for the relief of distressed voyagers. This time, however, on the occasion of the accident which happened to the ships, I was unable, in consequence of my own calamities, to send the crews to their own country. I earnestly hope that you will do whatever you can to ensure the resort of ships as heretofore to this island. God will reward you for this act of benevolence, and I am sure that if you will exert yourself, you can effect the object; at the very time when I was most anxious for the arrival of a ship, one named the arrived from *Musey*. After four months, I had been taken to *Temjabar*. Afterwards two other ships, the Nakhadas of which were named Saloun and Wunzum, in consequence of the kind offices of our Hunjooun, came to the island; and after three days, dispatched them both, together with a ship which had previously arrived from Surat, to the above-mentioned port. One person named who was on board one of these ships, remained five months on the island, and afterwards went to Musey. Subsequently to this, Captain of the ship Admiral Gambier, which was wrecked off the island of Radnoo, arrived at the island with forty-two men, in three small boats. A French ship arrived shortly afterwards, they were taken away by her to your port.

In consequence of all the calamities which I have suffered, I earnestly hope for your Lordship's aid and protection. My wishes will be further explained to your Lordship by Admiral Rodney, who proceeds from hence to wait upon you.

(A true translation.)

(signed) *C. A. Malony*, Actg Per. Secy to Govt.

Sent the following letters to the King of Johanna, written 19th February 1818. N° 50.

I have the pleasure to acknowledge the receipt of your letter, to the address of his Excellency the Governor General, brought to this presidency by your envoys, who designate themselves by the names of Admiral Rodney and Duke Abdoolla.

In the absence of the Governor General, who is at present in distant provinces of the empire, your envoys have been received and entertained with all due distinction and consideration.

I understand from them, that the principal object of their mission was to obtain assistance against the incursions of the inhabitants of Madagascar. The injury which the inhabitants of Johanna have sustained from those attacks, has long been

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a source of concern to the British government. It was therefore, with great satisfaction, that I learned by a dispatch from Mr. Farquhar, the Governor of Mauritius, that that gentleman had recently concluded engagements with the principal states of Madagascar, an express object of which is, to secure the island of Johanna and the other Comoro islands from the hostile incursions to which they were before annually subject. I confidently hope that these arrangements will be attended with full success. It is proper to apprize you, that any representations which you may have to make on this subject, should be addressed to the Governor of Mauritius; to whose charge the British interests in that quarter are intrusted.

I have great pleasure in taking this opportunity of acknowledging your uniform attachment to the British nation, and the constant kindness and hospitality which the crews of British vessels have always experienced at the island of Johanna. I desire particularly to express my sense of the benevolent treatment shewn to the crew of the late ship Admiral Gambier, which was wrecked during the last year. In return for this friendly conduct, it has been my study to treat your envoys with every degree of hospitality during their residence here, and to confer on them the most honourable marks of distinction. I have now provided them with a passage to Bombay, whence the Governor of that presidency will have them conveyed to Johanna.

I shall always be sincerely anxious for your health and prosperity.

(A true copy.)

(signed) *C. A. Malony*, Acting Persian Secretary to Gov^{t}.

To Major A. Barry, Chief Secretary to Government at Mauritius.

N° 51.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of your dispatch, dated the 3d September 1813, stating that two natives of Johanna, who represented themselves to be envoys from their sovereign to this government, had in consequence of that representation been sent from Mauritius to this presidency, at the expense of the Honourable Company.

2.—Your letter was delivered by the persons referred to in it, but on their being interrogated, it appeared, that they were not furnished with any credentials, or with any instructions, either written or verbal, from their sovereign, which could warrant their being received and recognized in a representative character.

3.—The Vice President in council, therefore, conceives, that when at Mauritius they must have assumed the character of ambassadors to this government, solely with the view of obtaining a free passage to this country for the sake of gratifying their own curiosity.

4.—On two former occasions this government was obliged to incur considerable expense by the arrival of persons from Johanna, who advanced similar pretensions, to be considered as ambassadors.

5.—At the present moment also there are two persons here, who came directly from Johanna with letters from the king of that island. These persons have been necessarily received and treated as ambassadors at the expense of this government.

6.—The chief object of their mission, namely, to obtain assistance against the incursions of the people of Madagascar, has been happily secured, it is hoped, by the arrangements with the principal chiefs of Madagascar, detailed in Mr. Farquhar's dispatch to his Excellency the Governor General, dated the 1st August 1817.

7.—The object of those measures, as they affect Johanna, has been accordingly explained to the envoys, and in a letter to the king. It has been at the same time stated to the king, that in any representations which he may have in future to make on this subject, it will be proper to address himself to the Governor of the Mauritius, to whose charge the British interests in that quarter are entrusted; and as it appears unlikely that the mission of ambassadors to this presidency can answer any good purpose, the Vice President in council requests, that any persons who may arrive at Mauritius with the intention of proceeding hither, may be, as far as possible, discouraged from prosecuting their voyage; the Vice President in council desires me also to state, that no expense can hereafter be incurred by this government on account of persons coming from Johanna, who are not accredited as ambassadors.

I have, &c.

(signed) *C. A. Malony*, Acting Persian Sec^{y} to Government

Fort William, 19th Feb. 1818.

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To. F. Warden, Esq. Chief Secretary to Government, Bombay.

Sir:—I am directed to inform you, that two persons who arrived at this presidency some time ago, with letters to the Governor General from the King of Johanna, who subsequently came here from Mauritius, are now proceeding to Bombay in the ship Po, in which a passage has been provided for them at the charge of government. The necessity of sending them to Bombay has arisen from the want of any direct communication with Johanna.

The Vice President in council requests, that the Right honourable the Governor in council will be pleased to provide them with a passage to Johanna by the earliest opportunity which may occur. It is proper to state, that from regard to the representative character of these persons, and also in consideration of the hospitable treatment which the crews of the British ships have uniformly experienced from the inhabitants of Johanna, the Vice President in council thought it proper to assign to them an allowance of 400 rupees per mensem for their subsistence, and an allowance of 60 rupees per mensem for house rent during their residence here.

I have the honour, &c.

(signed) *C. A. Malony*, Acting Persian Sec. to Government.

Fort William, 19th Feb. 1818.

[For further correspondence with the King of Madagascar, see the *Bombay Papers.*]

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Political Department; dated 20th Dec. 1820.

7.—We approve of your proceedings in regard to two natives of Johanna, who arrived at Calcutta in the beginning of 1818, with a letter from the king, and of the reply which you sent to that letter, we hope that the engagements concluded by the Governor of the Mauritius with the principal states of Madagascar, will secure the Island of Johanna in future from the hostile incursions to which they were annually subject from that quarter.

PAPERS relative to the practice of selling Children in some parts of the District of Dacca: 1813–1816.

Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors in the Judicial Department; dated 2d October 1813.

47.—The state of the police in the district of Sylhet is represented in a favourable point of view in the report from the judge of circuit.

53.—The proceedings of the annexed date contain a letter from the register of the Nizamut Adawlut, inclosing the general report furnished by the judge of circuit, on the termination of the second circuit, in the division of Dacca, for the year 1812; but after the foregoing remarks on the state of the police in each of the districts composing that division, it will be sufficient to draw the attention generally of your Honourable Court to that report to the resolutions passed upon it by the Nizamut Adawlut, and to our own orders on the subject.

Crim. Cons. 13 March 1813.

Extract, Bengal Judicial Consultations, the 13th March 1813.

Register of the Nizamut Adawlut to G. Dowdeswell, Esquire, Chief Secretary to Government.

Sir:—I am directed by the court of Nizamut Adawlut, to request that you will submit, for the consideration and orders of the Right honourable the Governor General in council, the accompanying copies of a letter, and its several enclosures from the second judge of the court of circuit for the division of Dacca, dated the 23d December last, reporting the completion of the circuit of that division for the second sessions of 1812, and of the jail delivery of the city of Dacca for the month of November last; also copy of the resolution passed by the court on a consideration of Mr. Dick's report of this date.

Criminal. N° 36.

I am, &c.

(signed) *M. H. Turnbull*, Register.

Fort William, 18th Feb. 1813.

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Extract, Letter from R. K. Dick, Esq. second Judge of Dacca, to M. H. Turnbull, Esquire, Register to the Court of Nizamut Adawlut; dated 23d December 1812.

N° 37.

Par. 6.—Inveigling away and selling slaves has long been a prevailing offence, I believe, peculiar to this district, and numerous prosecutions are consequently preferred for recovering them.

N° 47. Enclosed in Nizamut Adawlut's Register's Letter of 18 February.

Resolutions of the Nizamut Adawlut, on a letter from the second judge of the Dacca court of circuit, containing his remarks on the close of the circuit of that division for the second session of 1812.

Nizamut Adawlut, on 18th Feb. 1813.

Judge's Letter, p. 6.

Par. 4.—The court are desirous of receiving a more particular explanation of the offence of inveigling away and selling slaves, alluded to in this paragraph, and direct that the second judge be called upon to furnish the same accordingly.

Ordered, That the secretary write the following letter to the Register of the Nizamut Adawlut.

To the Register of the Nizamut Adawlut.

N° 48. To the Register of the Nizamut Adawlut.

Sir:—I am directed by the Right honourable the Governor General in council to acknowledge the receipt of a letter from you, dated the 18th ultimo, with its enclosures.

2.—His Lordship in council concurs generally in the sentiments expressed by the Nizamut Adawlut, upon the report furnished by the second judge of the provincial court for the division of Dacca, on the termination of the second circuit for 1812. The points noticed in the resolutions recorded by the court, do not appear to require any particular orders from government. I am, &c.

(signed) *G. Dowdeswell,* Chief Sec. to Government.

Council Chamber, 13th March, 1813.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Judicial Department; dated 19th May 1815.

* Sylhet.

Par. 26.—We notice what is stated by the second judge, as to the practice long prevalent in this zillah *, of inveigling away and selling slaves. When you have received the further explanation on this subject, which the Nizamut Adawlut had called upon Sir R. Dick to furnish, you will of course supply us with this information. He seems to think this practice peculiar to Sylhet; but this we greatly doubt, after having perused the report of the judge and magistrate of Dinagepore, respecting the selling of children by their parents, which we have particularly noticed in a former dispatch from this department.

Extract, Bengal Judicial Consultations, 29th December 1815.

Criminal, N° 60.

Read, a judicial general letter from the Honourable the Court of Directors, dated the 19th May 1815.

Relative to kidnapping children at Sylhet.

Par. 26.—The court of Nizamut Adawlut not having submitted to government any further information on the subject alluded to by the Honourable Court,—Resolved, That a copy of this paragraph be sent to the Court, and that they be requested to furnish the information required, and at the same time to state whether they have reason to believe that the practice alluded to of inveigling away and selling slaves, is prevalent in other districts.

Extract of a Letter from the Governor General in council of Bengal to the Court of Directors, in the Judicial Department; dated 2d August 1816.

Letter from the Court, dated 19th May 1815.

26.—Notice a practice reported as prevalent in Sylhet of inveigling away and selling slaves; require the transmission of information called for by the Nizamut Adawlut on the subject and express doubt as to the practice being confined to the zillah above mentioned.

15.—A copy of these remarks was transmitted to the court of Nizamut Adawlut, with directions to furnish the information required by your Honourable Court, and

at

at the same time to state if there was any reason to believe that the practice of inveigling away and selling slaves was prevalent in any other district. Bengal Papers: State of Slavery in Company's Territories.

16.—We have now the honour to submit a separate number in the packet, the correspondence noticed in the margin on that subject.

17.—Your Honourable Court will perceive from the letter from Mr. Ewing, the magistrate of Sylhet, dated the 16th of March last, that the practice which formerly existed of inveigling away slaves in the district of Sylhet has ceased to prevail, and that up to the date of his letter only one instance of that offence had come to the knowledge of the magistrate since his appointment, which took place on the 13th May 1814. Crim. Cons. 24 May 1816. 40 to 46.

Extract, Bengal Judicial Consultations, 24th May 1816.

Register of the Nizamut Adawlut to W. B. Bayley, Esq. Secretary to Government in the Judicial Department.

Sir:—I am directed by the court of Nizamut Adawlut to acknowledge the receipt of a letter from you, dated the 29th ultimo, inclosing extract of a letter from the Honourable the Court of Directors, under date the 19th May last. Criminal, L. P. N° 40.

2.—The further report required by the 4th paragraph of the resolution of the Nizamut Adawlut, under date the 18th of February 1813, was duly furnished by Sir R. K. Dick, late second judge of the court of Circuit for the division of Dacca, in a letter dated the 12th March 1813.

3.—A copy of that letter is now transmitted, together with copy of a letter written to the Dacca court of Circuit of this date; and you are requested to submit the same for the information of the Right honourable the Governor General in council.

I am, &c.

(signed) *M. H. Turnbull*, Register.

Fort William, 24th January 1816.

(Copy.)

To M. H. Turnbull, Esq. Register to the Nizamut Adawlut, Fort William. N° 41.

Sir:—Agreeaby to the orders of the Nizamut Adawlut, contained in the 4th paragraph of the Court's resolutions of the 18th ultimo, on my report at the conclusion of the 2d sessions of 1812, I beg leave to submit the following remarks, partly founded on my own observation, and on communications with the present magistrate of Sylhet.

2.—Some idea of the prevalency of the offence of inveigling away slaves, or otherwise fraudulently obtaining them in that zillah, may be formed from the number of prosecutions instituted on that account in the Fouzdarry Adawlut during the last twelve months, which amounted to 150. It is, however, to be observed, that this number greatly exceeds that of former years, in consequence of cases respecting slaves being considered by the present magistrate as more properly cognizable in the Fouzdarry court, the cause of action generally partaking more of a criminal than a civil nature, and thus more speedily affording redress to such as labour under illegal restraint and cruel treatment; at the same time referring claimants to establish their proprietary rights in the civil court, where the average number of cases may be reckoned about fifteen per annum.

3.—Slaves or others sued under that denomination, labour under many disadvantages in contending against powerful and wealthy claimants, from their peculiar situations, the nature of the claim, want of friends, and their general ignorance and poverty. Their opponents contrive to obtain fraudulent possession, either by pecuniary rewards, or by the hope of better service, or entice them to desert their masters, or by the same seductive influence cause them to be inveigled away through the medium of their private agents, and often to be sold at such distant places as to prevent future discovery, or the return of the unfortunate being. I have known several instances of individuals having been happily rescued from this fate and restored to their families.

4.—Of the total number of Fouzdarry petitions periodically received by the magistrate, about one third are for the recovery of slaves inveigled away or either fraudulently or unjustifiably obtained.

5.—The chief cause of slavery in the district may perhaps be ascribed to the extreme indigence of the lower class of inhabitants, many becoming slaves through necessity, by selling their persons, yet the severities generally incident to slavery in

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other countries are here seldom practised or carried to excess, the proprietors finding it their interest to act humanely towards them, to secure their services and promote their increase.

6.—The odious practice of trafficking in slaves has long subsisted in that zillah, and doubtless many and various abuses have been committed under the cloak of an authorized commerce, or at least of such mercantile transactions not specially prohibited. The trade is carried on to a considerable extent, as is universally acknowledged, and from the best information on the subject, it is computed that the number ber of slaves in the district amounts to about one sixth of the whole population; and this number progressively increases, as their offspring are also born slaves.

It is impossible to form a correct calculation of the number of slaves annually exported from the district, but it is believed to be much less considerable now than formerly.

I have, &c.

Dacca, 12th March 1813. (signed) *R. K. Dick.* Second Judge.

To the Dacca Court of Circuit.

Gentlemen:—The attention of the Nizamut Adawlut has recently been called to the subject of a letter from Sir R. K. Dick, late 2d judge of your court, under date the 12th March 1813, in reply to the 4th paragraph of the resolutions of the Nizamut Adawlut of the 18th February preceding, regarding the offence of inveigling away and selling slaves, stated to be prevalent in the district of Sylhet.

2.—The court do not clearly understand from the above letter, whether the offence referred to be the inveigling and selling persons already in a state of slavery, or enticing persons in a free state, and afterwards disposing of them as slaves.

3.—The court having been called on to submit a further report to government on the subject, are desirous of being furnished with more specific information on the point above noticed, and generally on the practice referred to; also, whether the practice is prevalent in Sylhet, or in any other district in your division.

4.—You will of course exercise your discretion in consulting any of the magistrates on the subject, if you should think it necessary, for your own information.

I am, &c.

Fort William, 24th Jan. 1816. (signed) *M. H. Turnbull,* Register.

Register of the Nizamut Adawlut to W. B. Bayley, Esq. Secretary to Government, in the Judicial Department.

N° 42.

Sir:—In continuation of the subject of my letter, under date the 24th January last, I am directed by the court of Nizamut Adawlut to transmit for the information of the Right honourable the Governor General in council and the Honourable the Court of Directors, the accompanying copy of a letter and its enclosures from the court of Circuit for the division of Dacca, dated the 26th ultimo.

2.—As connected with the subject of these papers, the court further direct me to transmit copy of a letter from the senior judge of the Benares court of Circuit, furnishing an explanation called for by the court in the case of a sentence passed by him against two prisoners named Nohar and Sheeo Dyal, which was included in the statement submitted to government with my letter of the 6th ult.

3.—The court observe, that the inveigling away slaves as well as free persons, although not specifically provided for, is an offence punishable by the criminal courts, under the Mahomedan law, and general regulations in force.

4.—They propose, however, to consider the expediency of including some express provision on the subject, in the draft of a regulation concerning slavery, required by the orders of government communicated in your letter of the 15th of March last.

I am, &c.

Fort William, 1st May 1816. (signed) *M. H. Turnbull,* Register.

To M. H. Turnbull, Esq. Register, to the Nizamut Adawlut, Fort William.

N° 43.

Sir:—In consequence of your letter of the 24th January last, it appeared to us expedient to consult the several magistrates of this division regarding the offence of inveigling away and selling slaves, stated to be prevalent in the district of Sylhet.

2.—We now deem it proper to transmit, for the consideration of the Nizamut Adawlut, copies of the answers received, and forming an opinion on the communication made, the practice alluded to does not appear to prevail to a great degree in any part of this division.

3.—The

3.—The information obtained from Mymensing, is calculated to create a favourable impression of the conduct of the inhabitants of that part of the country; and Mr. Ewing's account of the prevalence of the offence in Sylhet, is also satisfactory.

4.— The circumstances detailed in the reply of the magistrate of zillah Tipperah, relate particularly to the practices which were adopted at former periods within the district of Sylhet, but we have not deemed it necessary to require from the present magistrate of the latter zillah, a copy of the sentiments furnished by Mr. Hayes; since from the answer of Mr. Ewing, we are induced to believe that the practice is now not frequent.

5.—The document alluded to by Mr. Hayes, appears to have been delivered to Sir R. K. Dick, on whose communication the attention of the Nizamut Adawlut has been drawn to the offence in question; this is an additional reason for our not transmitting the opinion of Mr. Hayes, as the letter of Sir R. K. Dick, we conclude, comprehends all the information furnished by the officiating magistrate of Sylhet.

6.—The inhabitants of the zillah of Tipperah, appear to refrain from the practice of becoming venders of slaves, although it is reported by the magistrate that they make such purchases from people coming from the districts of Sylhet, Chittagong, and Backergunge.

7.—The information communicated by Mr. Pechell does not however give us reason to believe that persons are inveigled or enticed away within the limits of the district under his charge, neither are there grounds to suppose from the magistrate's report, that such practice prevails in the zillah of Backergunge.

8.—Occasional instances appear to occur in Dacca Jelalpore, of the disposal of children as slaves, and the transfer of slaves is reported to be common, but we do not conclude from the circumstances stated by Mr. Pigou, that the offence apprehended is committed among the inhabitants of that district.

9.—Although the magistrate of the city of Dacca has reported that he has found in his court several prosecutions for inveigling away children and other persons, he adds that such causes are not very numerous, and that the practice is principally confined to the female sex.

10.—Grounding our opinion on report, we are led to believe, that persons already in a state of slavery, are seldom induced from the exercise of any undue means, to change a master from whom they experience tolerable usage; and much ill treatment will, even on particular occasions, be submitted to, if the general conduct of the proprietor be merciful, and regulated by an inclination to afford such trifling indulgencies as would naturally suggest themselves for the alleviation of the condition of individuals so unfortunately situated.

11.—The transfer of slaves we are informed sometimes takes place both with and against the consent of the slaves themselves, but in the latter case the mildest and most indulgent conduct can alone secure to the purchaser any favourable result from such transaction.

12.—Our information does not warrant us in stating, that the practice of enticing away children is prevalent with respect to those who have already been subjected to a life of slavery; neither are we prepared to assert, that persons in a free state are more frequently subject to the loss of liberty from the exercise of such measures, but we do not deny that an instance may now and then occur, in which persons of both descriptions may become victims to the snares laid for the benefit of those employed on such occasions.

13.—We do not conceive that the orders of the Nizamut Adawlut call upon us for any information respecting the practice of parents disposing of their own children; and however repugnant to the feelings of those reduced to the necessity of so unnatural an act, we are convinced that in many cases, the result is beneficial to those who are thus deprived of their natural protection and support.

Dacca, 26th April 1816. We have, &c.

(signed). *Shearman Bird*, Senior Judge.
G. Hartwell, Fourth Judge.

(A true copy.) No signature.

To H. Walters, Esq. Register to the Court of Circuit for the Division of Dacca.

N°. 44.

1.— Sir:—I am duly favoured with the receipt of your letter of the 6th inst. annexing copy of a letter addressed to the court of Circuit by the register of the

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Nizamut Adawlut, relative to the offence of inveigling and selling slaves, and desiring that I will transmit to the former court such information as I may possess on this subject.

2.—With respect to the prevalency of the above mentioned offence in the district of Sylhet, agreeably to the desire of Sir R. K. Dick, I formerly furnished that judge with whatever information I possessed upon this head of inquiry, and as I have not so perfect a recollection of the subject at the present time as at the period to which I refer, I beg leave to notice to the court of Circuit, that a copy of the documents containing my sentiments upon it may be obtained from the Sylhet records, in the event of the court deeming it worth while to procure it.

3.—In the second paragraph of the letter from the register of the Nizamut Adawlut, it is remarked, that the superior court do not clearly comprehend from the letter addressed to the court by the second judge of Circuit, whether the offence therein adverted to, be the inveigling and selling persons already in a state of slavery, or enticing persons in a free state and afterwards disposing of them as slaves. Upon this remark, it appears proper that I should observe to the court of Circuit, that my information and experience do not, I believe, furnish me with an instance of the last mentioned offence having been committed within the jurisdiction of the district of Sylhet by any person or persons inhabitants of that zillah during the period that I had charge of it. I understood that this practice was refrained from by the Sylhet inhabitants in consequence of the probability of subsequent detection, but that it was occasionally resorted to by those of other districts who possess better means of effectually eluding justice. If I recollect right, the Sylhet records will furnish one or two trials corroborative of the truth of the above observation, but certainly several which were determined in my time for the alleged offence of inveigling persons already in a state of slavery. I have learnt from good authority, that the generality of the former description of persons above alluded to are females, who, being more employed for domestic purposes than those of the other sex, are in greater demand, and consequently the price for them is proportionally higher than that fixed upon for the males. These females are carried to Dacca, Calcutta, Moorshedabad, Patna, and to those opulent cities which constantly insure for them a rapid and profitable sale.

4.—Report states, that in the Mogul government, slavery existed in the district of Sylhet to such a degree, that persons would sell themselves as slaves to satisfy demands of rent, while others would, from similar necessity, dispose of their own slaves. Even at the present day it may be ascertained that some individuals, in order to supply the immediate wants of nature, voluntarily submit to a state of slavery, and dispose of their persons for determinate services so long as they may be capable of performing them. Documents to this effect are executed in the customary manner with other written engagements, and the court may easily obtain them from the magistrate of Sylhet.

5.—Since necessity alone would compel any person to submit to a state of slavery, it may therefore I presume be inferred, that the slavery herein noticed, originates in the extreme poverty of the lower orders of the society, and that to tolerate it under certain restrictions, would be preferable to exposing the poorer classes of the community to the risk of perishing for want, by depriving them of the only ostensible resource left to enable them to support existence.

6.—The records of this office exhibit no offences of the nature alluded to by the court, nor have I been able to ascertain the occurrence of them within the limits of this jurisdiction. I understand, however, that people from this zillah repair to the districts of Sylhet, Chittagong and Backergunge, to purchase slaves, who are also occasionally disposed of in this district, by such inhabitants of the above-mentioned places, who bring them hither for sale. I am, &c.

Zillah Tipperah, 10th February 1816. (signed) *J. Hayes*, Magistrate.

(A true copy.) (signed) *H. W.* Reg.

To Shearman Bird, James Rattray, J. M. Rees and G. Hartwell, Esqrs.
Judges of the Court of Circuit for the Division of Dacca.

Gentlemen :—I have the honour to acknowledge the receipt of a letter from your court of the 6th instant, annexed copy of a letter from the court of Nizamut Adawlut of the 24th of last month.

During

During the ten months I was at Sylhet, I often heard that some persons gained a livelihood by enticing boys and girls whose parents were free, both from their houses in the district and from the adjoining territories of Kackar and Jynteah, by disposing of some to wealthy natives in the district, and carrying some for sale to other places.

From the above, I presume, that Sir R. K. Dick alluded to both offences.

It is a common practice amongst the lower class of native women, on the loss of their husbands, or at the time of a scarcity of grain, both in Sylhet and this district, to sell their children, by which the mothers gain a livelihood, and the children are much better taken care of by their new masters, than had they continued with their parents.

It happens frequently, that some mothers sell their female children to prostitutes; sales of that description are always made known to the police darogahs, whose duty it is to convey the parties instantly to the magistrate, that they may be punished for so nefarious a transaction.

Some there are, whose families have been in a state of slavery for the last hundred years, and who, when a sale of an estate takes place, are included in the purchase; as however many suits are instituted in the Sylhet district for slaves, and appeals are admitted by the court of appeal, I do not suppose Sir R. K. Dick had it in contemplation to draw the attention of government to that class of people.

It might in some measure prevent illicit transactions, if every one purchasing a child was, under pain of a heavy fine and imprisonment, ordered to register such sale and enter into an agreement at the court at the time of registering, binding himself to produce at the court the boy or girl he may buy, whenever the magistrate should call upon him.

I have, &c.

Zillah Backergunge, 12th February 1816. (signed) *J. W. Sage*, Magistrate.

(True copy.) (signed) *H. W.* Register.

To H. Walters, Esq. Register to the Court of Circuit, Dacca.

Sir:—In reply to your letter under date the 6th instant, with its inclosure, I beg leave to acquaint the court, that the practice of inveigling and selling persons either already in a state of slavery, or those in a free state, is not prevalent in this district, only one instance of the kind having come to my knowledge since I have been at Chittagong.

I am, &c.

Zillah Chittagong, 26th February 1816. (signed) *P. W. Pechell*, Magistrate.

(A true copy.) (signed) *H. W.* Register.

To H. Walters, Esq. Register to the Court of Circuit for the Division of Dacca.

Sir:—I have the honour to acknowledge the receipt of your letter, under date the 6th ult. enclosing one from the register of the court of Sudder Nizamut Adawlut, desiring to be informed whether the practice of selling slaves is prevalent in this district.

In reply, I have to observe, that upon an examination of the records of the court during the last three years, it does not appear that any complaint whatever, either for selling persons already in a state of slavery, or for enticing persons in a free state, and afterwards disposing of them as slaves, have been made.

The custom of disposing of persons already in a state of slavery, is common throughout the district, regular deeds of sale are executed, some of which, indeed, have been registered in this court; and when an estate to which slaves are attached, is disposed of by private sale, the slaves are very commonly sold at the same time, though a separate deed of sale is always executed.

That persons are brought from other districts for the mere purpose of being sold to the highest bidder, I am convinced is not at present the case; that females are occasionally procured from their parents, who are in low circumstances, there is no doubt, and generally speaking, are purchased by public women, who bring them up to the same line, and make a profit by their prostitution.

It rarely if ever happens, that persons in a free state are inveigled away under false pretence, and afterwards sold as slaves, unless in the instance of young females, who, being obtained from their friends under pretence of marriage, are disposed of either

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either to public women or to rich individuals, as servants for their zenanna; that this occasionally occurred, is merely my opinion, as no cause of the above nature has been proved in this court for several years past. I have, &c.

(signed) *H. M. Pigow*, Assistant in Charge.

Zillah Dacca, Zellalpore, 1st March 1816.

(A true copy.) (signed) *H. W.* Register.

To H. Walters, Esq. Register to the Court of Circuit for the Division of Dacca.

Sir:—I have the honour to acknowledge the receipt of a letter from you, dated the 6th ult. accompanied by copy of a letter from the register to the Sudder Nizamut Adawlut, of the 24th January last.

I have to state in reply, for the information of the court of Circuit, that I have found in this court several prosecutions for inveigling away children and other persons with various intents, and they are generally females, such causes, however, in this city and district are not very numerous.

The unfortunate persons who are sold for slavery, are generally little children (females) or grown up girls that are enticed away from their parents or other relations in the Mofussil, and unconscious of their fate.

Persons already in a state of slavery are seldom, as far as I can discover from the records of the court, or from other information, inveigled away with a view of being sold, but female slaves are often enticed away for other purposes, sometimes by men, and sometimes by women keeping houses of ill fame.

Both descriptions of offence are, I believe, very prevalent, especially the former, though few of them comparatively coming officially to the knowledge of the magistrate. I am, &c.

(signed) *G. C. Master*, Magistrate.

Fouzdarry Department, City of Dacca, 5th March 1816.

(A true copy.) (signed) *H. W.* Register.

To H. Walters, Esq. Register of the Court of Circuit for the Division of Dacca.

Sir:—I have the honour to acknowledge the receipt of your letter of the 29th ultimo.

The records of this office do not exhibit a single prosecution occasioned by the enticing away a free person, and afterwards disposing of him as a slave, nor, since the year 1813, have any complaints been instituted respecting the inveigling and selling persons already in a state of slavery. From the number of cases which came before the court previous to the year 1813, the offence does not appear to have ever been prevalent in this district. I am, &c.

(signed) *E. J. Harington*, Acting Magistrate.

Zillah Mymunsing, Fouzdarry Adawlut,
7th April 1816.

(A true copy) (signed) *H. W.* Register.

To H. Walters, Esq. Register to the Court of Circuit for the Division of Dacca.

Sir:—I have to acknowledge the receipt of your letter, dated the 5th ultimo, addressed to the acting magistrate, with a copy of a letter from the Nizamut Adawlut, dated the 24th January, respecting the practice of inveigling away and selling slaves.

I understand that formerly instances frequently occurred of young girls and female children being kidnapped or enticed away from this district, in order to be sold to prostitution in Dacca and other places. The persons who committed this offence were generally fackeers, or wandering bazeegurs. Since my appointment, however, but one instance has come to my knowledge, and I am of opinion that the practice is not now frequent. I am, &c.

Zillah Sylhet, 16th March 1816. (signed) *J. Ewing*, Magistrate.

(A true copy.) (signed) *H. W.* Register.

(True copies.) (signed) *M. H. Turnbull*, Register.

To M. H. Turnbull, Esq. Register to the Nizamut Adawlut, Fort William.

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Sir:—I have recived your letter of the 6th instant, and beg leave to acquaint you, for the information of the court, that the females sold by the prisoners Nohur and Sheo Dyaul, were free women.

I enclose a copy of the futwa of the law officer.

N° 45.

I am, &c.

Benares, 19th April 1815. (signed) *W. A. Brooke*, Senior Judge.

(True copy.) (signed) *M. H. Turnbull*, Register.

Ordered, That the secretary write the following letter to the Register of the Nizamut Adawlut.

To the Register of the Nizamut Adawlut.

Sir:—I am directed by the Right honourable the Governor General in council to acknowledge the receipt of two letters from you, dated the 24th January last, and the 1st instant, on the subject of the orders from the Honourable the Court of Directors, communicated to you in my letter of the 29th December 1815, and to inform you, that the attention of the Court of Directors will be drawn to them in the next dispatch from this department. N° 46.

2.—In preparing the draft of the proposed regulation regarding slavery, the Governor General in council requests, that the court will take into their consideration the expediency of requiring that the future purchase or transfer of slaves shall be regularly registered, and that any breach of the rules which may be framed for that purpose, shall entitle the slave to demand and obtain his freedom.

I am, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Fort William, 24th May 1816.

Extract of a Letter in the Judicial Department from the Court of Directors to the Governor General in Council of Bengal; dated 17th Nov. 1819.

* Letter from the Government, dated 2d August 1816, (15 to 17.) on the supposed prevalence of the practice in Sylhet of inveigling away, or otherwise fraudulently obtaining Slaves.

Par. 8.—The adoption of any legislative measures in regard to this subject, is a matter of nice and delicate consideration, we therefore trust that the regulation which you have ordered to be framed will have been prepared with due caution.

PAPERS relative to certain Claims for the restoration of Slaves, who had, under various circumstances, quitted the Eastern Islands, or for an equivalent compensation for the loss of the said Slaves: 1814—1815.

Extract, Bengal Civil Colonial Consultations, 28th April 1815.

The secretary reports, that the following letter from the secretary to the government of Java, was referred to the advocate general on the 15th instant.

Secretary at Java to Henry St. George Tucker, Esquire, Secretary to the Supreme Government, Fort William.

Sir:—I am directed to transmit to you, for the information of his Excellency the Vice President in council, the enclosed copies of a correspondence with the resident at Amboyna, relative to some slaves who were sent to Bengal from Banda on the public account, and were brought by the late Mr. Hopkins to this island, where they have since remained. N° 2.

2.—The executor of Mr. Hopkins having been required to send these persons to Amboyna, agreeably to the resident's request, he has started objections, that from the circumstances which have occurred since the parties were carried from Amboyna, they can no longer be considered or treated as slaves, and as there is no legal advice at this place competent to determine whether they ought to be so considered, the Honourable the Lieutenant Governor in council has deemed it advisable to refer the case to Bengal.

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I am accordingly desired to request that this government may be favoured with instructions on the case, and to add, that in the meantime the necessary measures will be taken to keep the persons in view without unnecessary restraint, in order that they may be forthcoming whenever his Excellency's decision shall be received.

I have, &c.

Batavia, 13th Dec. 1814. (signed) *C. Assey*, Sec. to Government.

To the Honourable T. S. Raffles, Lieutenant Governor in Council, Java.

N° 3.

Honourable Sir:—I have the honour to transmit the accompanying copy of a letter from the resident at Banda, together with a copy of the enclosure to which it refers, and I request that you will be pleased to direct the necessary application for the restoration to the public service of the slaves belonging to the parks at Banda, whose names are specified in the letter from the superintendent of spices at that island, to be made to Lieutenant Williams, the executor to the estate of the late Mr. Hopkins, and that you will also be pleased to cause them to be provided with a passage to the island by the earliest opportunity.

I have, &c.

Fort Victoria, 8th August 1814. (signed) *W. B. Martin*, Resident.

To George Babington, Esq. officiating Secretary.

Sir:—I have the honour to transmit to you a copy of a letter addressed to me by the superintendent of spices.

I hope the resident at the Moluccas will have the goodness to make an application for the return to their families of the slaves therein mentioned.

I have, &c.

Banda, 15th July 1814. (signed) *David Forbes*, Resident.

Captain D. Forbes, Resident.

Sir:—I have the honour to report, for your information, that the parents and other relatives of the six park born slaves who proceeded to Bengal on the public service with Mr. Hopkins in the year 1812; having heard that these young men are now in Java, have earnestly requested me to intercede in favour of their being sent home to their families; and I take the liberty of soliciting your endeavours to obtain the object of their petition, as I can state from my own personal knowledge, that when these men were ordered to embark in the Wellesley, they were indulged with a hope of a speedy return.

Sic. orig.

The names of the six men were Hector, Taybebeck, Tayboerreuz, April, and Maandag. I have heard that one of them is dead, and that the others were at Samarang with the late Mr. Hopkins at the time of his decease.

I have, &c.

Banda, 12th July 1814. (signed)

To J. Dupuy, Esq. Deputy Secretary to Government, Batavia.

N° 4. Enclosure.

Sir:—I have the honour to acknowledge the receipt of your letter, dated the 22d ultimo, transmitting an extract of a letter from the resident of Banda, and directing me to deliver to the resident of Somabaya, without delay, the six slaves therein mentioned.

I am sorry to state that circumstances have placed it out of my power to execute this order, as the men are dispersed in different parts of the island, viz. Tayboeureuz, April and Maandag, at Besukie, and Taybebeck at Renibanz; Hector died in Calcutta.

I take the liberty to detail, for the information of government, what I know of these men, and how I have acted towards them.

On the night that the late Mr. Hopkins and myself left Calcutta, they earnestly requested to be permitted to accompany us, rather than be left to the care of strangers, unacquainted with the language and habits; Mr. Hopkins consented, under the impression that a passage to Banda would be more easily procured from Java than from Calcutta; but before our arrival at Samarang the Slave Transport Act was published, and Mr. Hopkins, after studying the Act and consulting with others, was of opinion that these men had, by its operation, obtained their freedom, and that any person shipping them on board of a vessel to be conveyed to another island for the purpose of being treated as slaves, would fall under the penalty of the Act.

Upon

Upon the death of Mr. Hopkins, I assembled the men, and having been accustomed to look upon them as virtually emancipated from slavery by the publication of the Slave Act, I proposed to their choice either to return to Banda, under the charge of Mr. Babington, or to remain and seek their livelihood in Java; as they are all married, and some of them had children on the island, they chose to remain. In offering them this choice, I was also swayed by the consideration that they had been for a long time residing in a country in which slavery is not permitted, where they had been summoned to appear as witnesses before the supreme court, in the suit between government and the captors of Banda; that they had been traversing the seas after the period fixed by the Slave Act; and lastly, that there were no papers of slavery with them to authorize their registry and taxation as slaves, in obedience to the colonial law, which declares that an omission in that respect liberates the slave. Under all these circumstances, I most humbly submit to the consideration of government, whether I, as executor of the late Mr. Hopkins, could have acted in any other manner than in leaving them to their own discretion to return to Banda or remain in Java.

I beg leave to observe, that the provisions of the Slave Transport Act seem to be perfectly understood by the unhappy class for whose benefit it was enacted, and that it is my firm belief, that if the Bandanese in question should be apprehended by the local authorities, for the purpose of being transported against their will to the Moluccas, they will throw themselves on the mercy and justice of a government, which guards the rights of its lowest, equally with those of its highest subjects.

In concluding, I earnestly deprecate the imputation of having been swayed by any views of self-interest in making this statement, as I have only followed the dictates of my conscience, and the wishes of my much-lamented friend and relation.

I have, &c.

(signed) *J. Williams*,

Executor to the estate of the late Mr. Hopkins.

Sourabaya, 8th November 1814.

Acknowledged.—Lieutenant Williams will be pleased to report with whom the men are at present residing, and will be informed of the further orders of government in this case on the receipt of his information.

In the meantime, as executor to the late Mr. Hopkins, he will be careful that the persons be not dispersed, but be forthcoming if required by government.

By order, (signed) *C. Assey*, Secretary to Gov^t.

Batavia, 1st December 1814.

Advocate General to W. H. Trant, Esq. Acting Secretary to Government, Colonial Department.

N° 10.

Sir:—In obedience to the commands of the Honourable the Vice President, conveyed to me in your letter of the 15th instant, I have the honour to state, that the persons who were slaves at Amboyna, and who were taken by the late Mr. Hopkins to Java as his attendants, cannot be removed from Java to Amboyna, or to any other place beyond the seas, as slaves, or for the purpose of being used or dealt with as slaves, without a direct breach of the Act 51st Geo. 3. c. 23. which makes it felony for any one to do so, except in the West Indies, where, under the fourth section of the Act, slaves of a certain description may be carried from one British island there to another. I have, &c.

(signed) *Edward Strettle*, Advocate General.

Fort William, 20th April 1815.

Ordered, That a copy of the foregoing letter from the advocate general be transmitted to the government of Java for their information.

Extract, Bengal Civil Colonial Consultations, 30th September 1815.

To W. H. Trant, Esq. Acting Secretary to the Supreme Government, Fort William.

N° 11.

Sir:—I am directed by the Honourable the Lieutenant Governor in council, to acknowledge the receipt of your letter of the 28th April, with an opinion of the advocate general relative to certain slaves who accompanied the late Mr Hopkins from

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from Banda to Calcutta; and to request you to inform the Honourable the Vice-President in council, that a communication of this opinion has been made to the resident of Amboyna, with an intimation, that in consequence thereof this government would not feel themselves justified in sending back the parties to the Moluccas.

I have, &c.

(signed) *Charles Assey*, Secretary to Government.

Batavia, 10th August 1815.

Extract, Bengal Civil Colonial Consultations, 7th October 1815.

Acting Chief Secretary at the Isle of France, to Henry St. George Tucker, Esq. Chief Secretary to Government, Fort William.

N° 5.

Sir:—I am commanded by his Excellency the Governor, to transmit to you the enclosed copy of a letter from Anne Pascal, claiming a slave named Eveline, who was hired by Mr. Holson, now resident at Calcutta, to attend him during the voyage, and under a stipulated engagement of returning the black to this colony; and I have to request that you will have the goodness to use your endeavours for the return of Eveline, or for the payment of an equivalent in value to his owner, as occasion may present.

The reconsement is retained in this office, and it clearly established the property of the petitioner.

I have, &c.

(signed) *C. Telfair*, Acting Chief Sec. to Government.

Chief Secretary's Office, Port Louis, 10th August 1815.

A. Monsieur Draper, Secrétaire du Governement, à Maurice.

N° 6.

Monsieur:—Exposé respectueusement Marie Anne Pascal, que lors du depart, du sieur Holson de cette colonie pour Calcuta elle lui confia pour être employé à son service la nommé Eveline son esclave; sons la condition qu'il le lui ramenerait en cette colonie qu'instruite que ledit sieur Holson s'est établi a Calcuta en qu'il ne compté plus revenir, l'exposante a recours à vous a l'effen que vous l'autorisiez à reclamer a Calcuta du dit sieur Holson et par l'entremise du Capitaine Magee qu'est en parlance pour ce port son dit noir nommé Eveline, elle joint ici ses titres de propriété et son recensement.

Elle a honneur d'être, &c.

(signé) *Marie Anne Pascal.*

(Pour copie conformé.)

(signé) *J. A. Draper*, D. Sec. du Gouvernement, par interim.

Port Louis, le 1er Aout 1815.

Secretary at Java, to W. H. Trant, Esq. Acting Secretary to the Supreme Government, Fort William.

N° 7.

Sir:—I am directed by the Honourable the Lieutenant Governor in council, to transmit to you the enclosed extract of proceedings of this government in the public department of this day's date, relative to a female slave who has accompanied a soldier in His Majesty's 59th regiment to Bengal, and to request that you will be pleased to submit the same to the notice and decision of the Honourable the Vice President in council.

I have, &c.

Batavia, 10th August 1815. (signed) *C. Assey*, Sec. to Government.

Extract from the Proceedings of the Hon. the Lieutenant Governor in council in the Public Department, dated Batavia, the 10th August 1815.

N° 8.

The Commander of the Forces lays before the Board the following letter addressed to him on behalf of the late Mr. Barrett's estate.

To his Excellency Lieutenant General Sir M. Nightingall, K. C. B. Commander of the Forces on Java.

Honourable Sir:—We beg leave to transmit, enclosed, a letter from Captain Hanson on the subject of a slave girl belonging to Mr. Barrett, who absconded and went with one Dilkes, belonging to the 59th regiment, to Sourabaya. Your Excellency will be pleased to observe from Captain Hanson's letter, that when an application was made to Colonel Macleod to deliver the said girl up to the civil authority, that some of the officers of the regiment said they would pay for her; this

this not having been done, and the regiment, as we are informed, on its departure, we take the liberty of soliciting the aid of your Excellency, the slave girl having been purchased at 350 Spanish dollars. We have, &c.

(signed) *D. Christiani, J. C. Goldman, Peter Jessen.*

Batavia, 31st July 1815.

Weltevreeden, 27th July 1815.

Sir:—In reply to your letter of the 12th inst. I have the honour to acquaint you, that I remember the application in question to have been made to me when I was at Sourabaya on my way to Macassar last year; that I made every inquiry respecting the slave woman, and found that she was then living with Dilkes of the 59th regiment. I was desired by Lieutenant Colonel Macleod, to deliver her up to the civil authority, but some of the officers of the regiment having said they would pay for her, Colonel Macleod did not enforce the order.

I have, &c.

D. Christiani, Esq. (signed) *J. Hanson*, Major of Brigade.

It appears to the Board, that the female slave in question will have obtained her freedom by the circumstance of having quitted this island, and gone to a British settlement, but they refrain from giving any decision on the case, and resolve that a reference be made to the supreme government thereon, in order to determine whether, under the circumstances stated, any compensation to the estate can be obtained from the parties with whom the woman has proceeded.

Ordered, That an extract of these proceedings be transmitted accordingly for the decision and further orders of the Honourable the Vice-President in council.

Ordered, That this opinion and resolution be communicated for the information of the commander of the forces.

(True extract.) (signed) *J. Du Puy*, Deputy Sec. to Government.

Advocate General to W. H. Trant, Esq. Acting Secretary to Government, Colonial Department.

N° 9

Sir:—In obedience to the commands of the Honourable the Vice President in council, conveyed to me in your letter of the 30th ult. I have the honour to report, that in my opinion, neither Eveline claimed as a slave by Marie Anne Pascal of Port Louis, or the girl claimed as a slave by Messrs Barrett at Java, the former of which came here, it is stated, with a Mr. Holson, and the last with one Dilkes a soldier, I suppose of His Majesty's 59th regiment, can be laid hold of, and sent back as a slave.

As to compensation, it would be in vain to attempt the recovery of any from Dilkes, and if any can be recovered from Mr. Hanson, it must be on the proof of the contract he is stated to have entered into, but which I should not advise government to lend its aid to, as, independent of the difficulties in the way of such a recovery at common law, the Act of the 51st Geo. 3, c. 23, would, I think, be a bar to a recovery on any such contract. I have, &c.

(signed) *Edward Strettle*, Advocate General.

Calcutta, 3d October 1815.

Ordered, That the following letters be written to the acting chief secretary to the government of the Isle of France, and to the secretary to the government of Java.

To C. Telfair, Esq. Acting Chief Secretary to the Government at the Isle of France.

N° 10.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of your letter, dated the 10th of August last, with its inclosures.

The opinion of the advocate general having been taken upon the case referred to in your letter, I am directed to state, for the information of his Excellency the Governor of the Mauritius, that, considering the provisions of the Act of 51st Geo. 3, c. 23, it does not appear to this government expedient to interfere in any manner in the claim of M. Anne Pascal, with respect to the person named Eveline.

I have, &c.

(signed) *W. H. Trant*, Acting Sec. to the Gov'.

Fort William, 7th October 1815.

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To C. Assey, Esq. Secretary to the Government at Java.

Sir:—I am directed to acknowledge the receipt of your letter of the 10th of August, with its inclosure.

N° 11.

Under all the circumstances of the case which has been referred by the colonial government, it does not appear to the Honourable the Vice President in council, that the interference of government to obtain a compensation for the female slave who is stated to have left Java with a soldier of His Majesty's 59th regiment, would be proper.

I have, &c.

(signed) *W. H. Trant*, Acting Secretary to Government.

Fort William, 7th October 1815.

PAPERS relative to the detention of the crew of the ship Commerce, and of certain other persons in a state of slavery on the island of Borneo Proper; and to the means employed by the British Government in India, with a view to the obtainment of their liberation: 1815.

Extract, Bengal Civil Colonial Consultations, 16th September 1815

Secretary at Java to Henry St. George Tucker, Esq. Secretary to the Supreme Government, Fort William.

N° 3.

Sir:—I am directed by the Honourable the Lieutenant Governor in council, to transmit to you the inclosed letter from the government of Prince of Wales's Island, relative to certain persons detained in slavery on Borneo Proper, together with the reply which has been given by this government, and to request you will be pleased to submit the same to the notice of the Honourable the Vice President in council.

I am at the same time instructed to add, that the Lieutenant Governor in council has not felt himself authorized to proceed in this matter, because since the influence of this government with the Malay states on Borneo, is lessened by the circumstance of having withdrawn the communication proposed to be established, it seems doubtful whether the object could be obtained without shew, at least of the means to enforce it, and the failure in an attempt to obtain the release of the people by negotiation, might be attended with disadvantage to the public interests, as well as injurious to the parties themselves, if not subsequently enforced.

The Lieutenant Governor in council therefore, previous to the adoption of any measures, requests to be honoured with instructions from the Governor General on the subject.

I have, &c.

Batavia, 4th May 1815. (signed) *C. Assey*, Sec^{r} to the Gov^{t}.

To Charles Assey, Esq. Secretary to the Government, Batavia.

N° 4.

Sir:—I am directed by the Honourable the Governor in council, to transmit for the information of the Lieutenant Governor in council, at Batavia, copy of a letter from the resident at Malacca, dated the 12th instant, and of the enlosure therein from Mr. Clark, the owner of the ship Argo, together with the original deposition as given at Malacca by the commander of that ship.

Under the circumstances related by Captain Mackey, and the information of so great a number of the crew of the late ship Commerce being at this time in slavery at Borneo Proper, together with two of the men belonging to the Argo, the Governor in council is induced to refer to the government of Java the measures that may be needful, in the opinion of that government, for endeavouring to release the unfortunate individuals from slavery, and for preventing, if practicable, the molestation of the British trade in that neighbourhood for the future.

Fort Cornwallis, 28th December 1814. I have, &c.

(signed) *W. A. Clubley*, Secretary.

To W. A. Clubley, Esq. Secretary to the Government at Prince of Wales Island.

Sir:—I have the honour herewith to transmit, for the purpose of being laid before the Honourable the Governor in council, copy of a letter, with inclosures from Mr. Patrick Clark of this place, relative to the ship Argo, Captain Mackey, having been obliged to quit the port of Borneo Proper, in consequence of a threatened attack upon that ship, by some suspicious prows, supposed to be pirates; owing to which circumstance, Captain Mackey was unfortunately unable to settle his mercantile transactions with the rajah, and left the place indebted to him for a quantity of

of birds nests, received in barter for iron, which have been brought on shore, and delivered to Mr. Clark, for the purpose of being restored when called for.

The Honourable the Governor will perceive, by Captain Mackey's letter, that there appears to be thirty-two men of the crew of the late ship Commerce, in slavery at Borneo Proper, and that he had been under the necessity of leaving two of his lascars and an interpreter on shore there.

Whether sufficient grounds existed for the great alarm Captain Mackey appears to have been under for the safety of the ship, I cannot take upon myself to say, but the circumstance of so many British subjects being detained in slavery, will, I have no doubt, attract the particular attention of government, and cause an active interference on their behalf.

I have, &c.

(signed) *W. Farquhar*, Res^{t} and Commandant.

Malacca, 12th December 1814.

To Major Farquhar, Resident and Commandant, &c. &c. Malacca.

Sir:—I beg leave to inclose copy of a letter I have received from Captain J. Mackey of the ship Argo, regarding his having been obliged to cut from his anchor while laying off the mouth of Borneo Proper river, and proceeded to sea in consequence of being threatened with an attack by ten prows, which he conceived to be pirates, and owing to that circumstance, left the place indebted to the rajah, or one of his people, for birds nests received in barter for iron, as stated in his letter to me of the 24th instant, which I am ready to restore when called on, or to deliver the iron at the rate agreed on, although I find the birds nests are not worth two-thirds of what they are valued at.

A deposition respecting this unfortunate event is likewise inclosed, and I will be extremely obliged by your communicating it to the government under which Borneo is considered.

I have, &c.

Malacca, 29th November 1814. (signed) *Patrick Clark.*

To Patrick Clark, Esq.

Sir:—I beg leave to inform you of my safe arrival at Malacca, with the ship Argo, last from Borneo Proper, where I purchased some birds nests as follows:

				Dollars.
20 Catties, a'	24	dollars per catty	- -	480
18 D° - -	3	d° - d° -	- -	54
241 D° - -	2	d° - d° -	- -	482
			Dollars	1,016

For which they were to be paid in iron at Sp. dollars 9 per pecul. But on the 2d of November I was under the necessity to cut from an anchor, and stand out to sea to get clear of ten pirates prows which closed on us fast, and had a very suspicious appearance. I particularly was informed the day before by the crew of the ship Commerce, which was cut off on the coast of Borneo, that an attempt would be made to obtain the ship; and when I was leaving the shore, the interpreter, seeing the rajah and his merchant in conversation, suddenly jumped between them, and called out, "Humaura Captain mut mardolla," which alarmed me greatly for the safety of the ship.

There are thirty-two of that ship's crew in slavery at Borneo Proper, and I am sorry to inform you that I left two of my lascars and the interpreter behind.

On this account I am sorry to say that I was under the necessity to leave that place before I paid for the birds nests, which I will send you by the earliest opportunity. I hope you will have the goodness to pay them in iron, if they should send to you for it, at Sp. dollars 9 per pecul, or re-deliver the birds nests.

A deposition of the foregoing circumstances will be made as soon as possible.

I am, &c.

(signed) *J. Mackey.*

To W. A. Clubley, Esq. Secretary to the Government at Prince of Wales Island.

Sir:—I am directed by the Honourable the Lieutenant Governor in council to acknowledge the receipt of your letter, under date the 28th of December last, with its inclosure relative to a part of the crew of the ship Commerce being at this time in slavery in Borneo Proper. N° 5.

Bengal Papers: State of Slavery in Company's Territories.

The Lieutenant Governor in council regrets, that under present circumstances, he is unable to make that decided demand which might be necessary to obtain the object in view. The limited communication at present held by this govenrment with Borneo Proper would prevent the adoption of these measures, which might be found necessary to ensure compliance with the request; and the Lieutenant Governor in council has deemed it proper to refer the case, in the first instance, to the notice of the Right honourable the Governor General in council, for which purpose a communication will be made by the very first opportunity I have, &c.

(signed) *C. Assey*, Secretary to the Government.

Batavia, 24th April 1815.

Ordered, That the following letters be written to the secretaries to the governments of Java and Prince of Wales Island.

N° 924. of 1815.

To C. Assey, Esq. Secretary to the Government at Java.

N° 6.

Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of your letter of the 4th of May last, with its enclosures, relative to certain persons detained in slavery on Borneo Proper.

2.—It is stated by you that the Lieutenant Governor in council has not felt himself authorized to proceed in the matter referred by the government of Prince of Wales Island, because, since the influence of the colonial government with the Malay states is lessened by the circumstance of having withdrawn the communication proposed to be established, it seems doubtful whether the object could be obtained without a shew at least of the means to enforce it, and that the failure in our attempt to obtain the release of the people by negociation, might be attended with disadvantage to the public interests, as well as injurious to the parties themselves, if not subsequently enforced.

3.—The Vice President in council is aware of the necessity of acting with great caution in such cases, we therefore entirely approve the resolution of the Lieutenant Governor in council, not to adopt any measures until instructions shall have been received from this government.

4.—The letter of Mr. Secretary Tucker to your address, under date the 28th of May 1814, contains a full exposition of the sentiments of the supreme government on the system of policy which it is considered proper to observe with respect to the chiefs of Borneo and the other islands. In that letter it is stated that any intercourse which it may be necessary or convenient to maintain with the chief of Pontiana, or other chiefs on the coast of Borneo, can easily be carried on by correspondence with the resident at Banjor-Massing, or by the occasional deputation of an agent on the part of the government of Java, or the government of Prince of Wales Island.

5.—It is of course extremely desirable that some measures should be taken to effect the liberation of the crew of the ship Commerce, and of the other persons mentioned in the correspondence which accompanied your letter, and it appears to the Honourable the Vice President in council that the resident at Banjor-Massing should, in the first instance, be instructed to make inquiry for the purpose of ascertaining the situation of the persons, and that any measures short of a positive demand to deliver them up be resorted to, if the resident should be of opinion that there is a probability of success. In this is to be included a consideration of the practicability of effecting the ransom of the persons detained.

6.—As it appears that Captain Mackey was obliged to quit Borneo without delivering the iron which he had engaged to give in exchange for birds nests received by him, and as that person has expressed his wish to fulfil his engagement, the Vice President in council considers it to be proper, that the resident at Banjor-Massing should convey to the chief of Borneo Proper an explanation of the case, and an assurance that the iron which Captain Mackey was bound to deliver in exchange for the birds nests, or an equivalent in money will faithfully be delivered, unless the government of Penang should already have taken measures for that purpose.

7.—In the present reduced state of the military force at Java, it would be highly inexpedient to engage in any course of measures which would render compulsion necessary, but it is to be hoped that a conciliatory mode of proceeding will not fail to have the desired effect.

8.—Should

8.—Should any circumstances occur to render any other course than that now pointed out expedient in the opinion of the colonial government, it will be satisfactory to this government to receive a further communication previously to the adoption of any decisive measures.

9.—A copy of this letter will be transmitted for the information of the Honourable the Governor in council of Prince of Wales Island, where the correspondence on this subject originated.

I have, &c.

(signed) *W. H. Trant*, Acting Sec. to the Government.

Fort William, 16th Sept. 1815.

N° 925 of 1815.

To W. A. Clubley, Esquire, Secretary to the Government at Prince of Wales Island.

N° 7.

Sir:—The government of Java having referred to this government a correspondence relative to the detention of the crew of the ship Commerce, and certain other persons at Borneo Proper, I am directed by the Honourable the Vice President in council to request, that you will lay before the Honourable the Governor in council, the accompanyiug copy of a letter on the subject, addressed by me to the secretary to the government at Java.

The Vice President in council is satisfied, that measures have been taken for the delivery of the iron (or equivalent in money) which Captain Mackey has engaged to give to the chief of Borneo Proper for birds nests received by him, but which the necessity for his sudden departure from Borneo, rendered at that time impracticable.

It will probably have occurred to the government of Prince of Wales Island, to communicate to the government of Java, any measures which may have been taken for the purpose above mentioned, as it is of course desirable that the authorities at that place should be informed of every particular connected with this case.

I have, &c.

(signed) *W. H. Trant*, Secretary to the Government.

Fort William, 16th Sept. 1815.

Extract, Bengal Public Consultations, 20th April 1816.

To W. H. Trant, Esquire, Acting Secretary to the Supreme Government, Fort William.

N° 12.

Sir:—I am directed by the Honourable the Lieutenant Governor in council to acknowledge the receipt of your letter under date the 16th September, relative to the fate of certain part of the crew of the ship Commerce, stated to be detained as slaves in Borneo Proper.

The Lieutenant Governor in council desires me to request you will be pleased to acquaint his Excellency the Right honourable the Governor General in council, that the resident of Banjermassin was directed to make such inquiry as he deemed practicable on this subject, and further instructions will now be given to him of the tenor and purport directed in the letter which I have now the honour to acknowledge.

I have, &c.

Batavia, 15th Feb. 1816. (signed) *C Assey*, Sec. to Government.

PAPERS relative to the Registration and Government of Slaves on Java, and in the Eastern Islands, and to the Emancipation of such as were Public Property, or had been illicitly imported, previously to the transfer of those Islands to the Dutch; also to the means provided for the return of such as had been illicitly imported to their own country: 1815, 1816.

Extract of a Letter in the Public Department, from the Governor General in council of Bengal to the Court of Directors, dated 10th May 1817.

Par. 24.—The transfer of the Island of Java and its dependencies to the Dutch, and the consequent cessation of our authority there, renders it unnecessary to trouble your Honourable Court on the present occasion with any general detail of the questions connected with the government of that settlement, which were submitted for our orders by the local authorities in the commencement of the year 1810.

Bengal Papers: State of Slavery in Company's Territories.

Par. 25.—The periodical reports forwarded by the government of Java, in the end of 1815, and beginning of 1816, as well as a report regarding the native orphan chamber at Batavia, will be found recorded in our proceedings of the dates noted in the margin.

Cons. 27 April. N° 7 to 11. 12 to 13. 15 to 17. 4 May, N° 5 to 13.

Par. 26.—Of the various subjects discussed in those papers, we shall only at present notice, that the Lieutenant Governor in council adopted measures for the emancipation, in the most formal manner, of the public slaves on the island, including those who had been transferred by the prize agents, and such as had been detained by His Majesty's naval officers and others, when individuals were attempting illicitly to transport them. Adverting, however, to the great hardships to which these persons might be exposed, by remaining at Java without any regular employment, we authorized the Lieutenant Governor in council, if they were desirous of returning to their native country, to furnish them with a conveyance at the public expense, a measure which, under the circumstances of the transfer of the island, we cannot doubt will meet with your entire approbation.

Cons. 27th April. N° 11.

Extract, Bengal Public Consultations, the 27th April 1816.

Extract of a Letter from the Governor in council of Batavia, to the Honourable N. B. Edmonstone, Esq. Vice President in council at Fort William, dated 1st October 1815.

N° 7. Enclosure, N° 4.

12.—We request to lay before your Excellency in council, an extract of our proceedings, under date the 12th ult. relative to the public slaves on this island, and to such as have been detained and sent in at different times, partly by His Majesty's ship Cornelia in 1812, and partly from attempts at illicit importation since the establishment of this government. The number of those taken over from the prize agents is not considerable, and we have of course cautiously attended to the original instructions of the late Earl Minto, that no slaves should be bought on account of government, but with the addition of the latter description of people, the total of those who, if not protected by the formalities of the colonial laws of emancipation, might possibly be hereafter considered and treated as slaves, notwithstanding the freedom they have virtually obtained by not having been annually registered according to the regulation made by this government, would amount to some hundreds. We have been of opinion, therefore, that it would be consistent with the instructions left for our guidance, and with the principles of the British legislature, that these persons should be emancipated in a decided and formal manner, and it has been directed to be done according to the established regulations of the colony, before the legal court, whose duty it has been to execute these forms.

13.—It would unnecessarily occupy your Excellency's attention to enter into a detail at present on the laws and usages upon slavery in Java; it may be sufficient to observe, that the measure above mentioned is exclusively confined to slaves under the immediate charge of government, and consequently in no way affects the question of such property among the colonists or inhabitants.

14.—The opinion of the advocate general relative to slaves from the Moluccas, as communicated in Mr. Secretary Trant's letter of the
has been forwarded to the resident of Amboyna with an intimation, that in consequence thereof we did not feel ourselves authorized to consider those persons as slaves, or to send them back to Banda in that capacity.

Enclosure, N° 4.

N° 8.

Extract from the Proceedings of the Honourable the Vice President in council in the Public Department, dated Batavia, 12th September 1815.

Read, a letter from the collector of customs, reporting the apprehension of a Chinese, in the attempt to sell 13 Balinese as slaves from a prow in which they were landed at Antjob, and requesting instructions regarding them.

Ordered, That these persons be transferred to the charge of the town major, and that this officer be directed to take the necessary measures for proceeding to obtain the emancipation of them, according to the forms prescribed by the regulations of the colony on that head, after which they may be apprenticed as free persons, and under regular articles to that effect.

Ordered, That the advocate fiscal be directed to prosecute the Chinese according to law.

The

The Board further adverting to the situation of the children who were detained by Captain Owen of His Majesty's ship Cornelia, and found apprentices in January 1812, and considering that it will be consistent with the principles and measures of the British government to abolish slavery in all means consistent with the claims of property existing at the period of the conquest of the colony,—

Resolved, That the necessary measures be taken to emancipate formally, and according to the colonial regulations, the persons above alluded to; and also all those, without exception, who were taken over by this government as slaves from the agents for the captors.

Ordered, That the necessary orders be given accordingly to the town major, to the officer in charge of the government slaves, and to the resident of Solo, and that these officers be respectively desired to report, for the information of government, the particulars of the proceedings instituted by them in the execution thereof.

(True extract.) (signed) *J. Duprey,* Deputy Sec. to Government.

Extract of a Letter from Mr. Secretary Ricketts, to the Government of Java, dated 27th April 1816.

N° 11.

4.—The course which has been pursued by you for the emancipation of the slaves under the immediate charge of government, meets with the entire concurrence of the Governor General in council. As those persons however may, subsequent to their emancipation, be exposed to great hardships by remaining at Java, without any regular employment, his Lordship in council is of opinion, should they be desirous of returning to their native country, that it would be proper to send them there at the public expense.

Extract, Bengal Public Consultations, 4th May 1816.

Extract of a Letter from the Government of Java, to his Excellency the Right honourable Francis Earl of Moira, K. G. Governor General in council; dated 1st January 1816.

N° 5.

16.—Our attention has been particularly directed to an illicit importation of slaves on this island, and to a frequent evasion of the Act of Parliament, which, by its republication on this island has become a colonial law, and we request to annex an extract of our consultations, founded on a report of the advocate fiscal, in which this circumstance was brought to our notice.

Inclosure, N° 8.

17.—Deeming it equally due to the character of the British government, and consistent with the acknowledged spirit and intent of the acts of the British legislature, that this inhuman traffic, already forbidden in Java, should be suppressed, and punished by all just and legal means, we determined, after mature deliberation, to publish the proclamation now submitted to your Lordship's notice, whereby the possession of a slave introduced since the publication of the British Act of Parliament renders the party liable to the penalties of that Act, and the person so introduced is entitled to his freedom; and we have followed up this proclamation with an order, under date the 20th ult. requiring a transmission of a list of slaves now on the island, and of future casualties among them; the object and result of which will be, that all slaves appearing in the lists now to be furnished, and not registered last year in conformity to the proclamation under date the 15th May 1812, become by that omission free men, and entitled to receive their emancipation according to the forms of colonial law.

18.—Our further proclamation bearing date the 20th ult. tends to secure the complete and correct registry of slaves, and contains one additional law, that slaves cannot in future be punished at the discretion of the owner, without previous inquiry or trial, but being considered to possess the personal rights of man, are entitled in that respect to the immunities possessed by other classes of His Majesty's subjects.

19.—We trust that these proceedings will be honoured with the sanction and approval of the supreme government, and we submit them with the greater confidence when we consider the pre-eminent share which your Lordship has taken in the suppression of all traffic in slaves, and in the attainment of those humane and beneficent laws regarding them, which will continue to be the honour and glory of Great Britain in future ages.

Bengal Papers: State of Slavery in Company's Territories.

N° 8.

Extract, Proceedings of the Honourable the Lieutenant Governor in council, Batavia, 3d November 1815; Public Department.

Read the following letters from the advocate fiscal, on the practice of traffic in slaves, existing in the vicinity of Batavia, and in reply to a letter, directing his inquiry on this subject.

Report on the frequency of clandestine importation of slaves.

To Charles Assey, Esq. Secretary to Government.

Sir:—In reply to your letter of yesterday's date, I have the honour to state, that as soon as I have got information of the clandestine import of slaves by the Chinaman Tan Tjanlong of Anjiol, I have requested the baillien to make enquiry after him, but hearing that that man had absconded himself, I have myself taken measures I thought necessary for his apprehension, on promise of a reward of fifty dollars to those who would point him out, in which I flatter myself I will succeed, but not immediately, but after some time, when he will think himself safe, and that no inquiry is on foot about his person; in the meantime, is the Chinaman Gomo Chingko, found guilty by the jury in the last session, as an accomplice in the case, and sentenced by the court to be banished from the island. I have applied to summon the absconded man by public summons, and to be in the mean while authorized, the sequestrator of the supreme court, to dispose of the vessel arrested by me.

It is not long ago, I have been informed, that a number of upwards of 100 Balinese were clandestinely imported at the river of Bacassie and of Tangerang. I dispatched immediately two prows with some confidential persons, on whose pointing out the Balinese, Mr. Serrière caused to be apprehended twenty-three persons at the river of Bacassie, of which I have been informed but yesterday. I wrote to that gentleman immediately that there were more, and that I would assist at the inquiry which the sitting magistrate would hold into this case, requesting at the same time to send me four or five fit persons, with whom I myself would go to the roads to inquire whether or not the vessel with which those slaves were imported, was still lying in the roads here; I have in the meantime requested the sitting magistrate to grant no passports to Chinese whosoever, between this and Monday next.

I beg you will be pleased to assure the Honourable the Lieutenant Governor that I will be particularly watchful in taking such measures as will prove effectual to prevent the shameful trade in slaves, as well for the prohibition in the Act passed by Parliament on this head, as to prevent the discourses, as if this case was not treated in earnest, by which government would certainly be compromised. I will not fail to communicate on this subject with the collector of customs, as often as it will appear to me requisite.

A certain case has been referred to me this morning, of the widow of the late Captain Chinese Tha Hongko, for ill treatment of her slaves, and even for the murder of one; I will pay all due attention as to the merits of this case, to ascertain the truth hereof; I certainly suppose that such a case cannot be inquired but with the utmost rigour.

The magistrate has also delivered to me the case about a theft of four casks of ghee from the stores; I am sorry to say that the Chinaman who purchased the ghee has made himself absent while the inquiry was going on with the baillien; as I look upon him to be the true person who seduced the moorman, who delivered up the ghee to him from the warehouse, I will do my utmost to have him apprehended; and have for that purpose promised a reward of money to such persons as could give me information of him, in which I have the hope to succeed ere long.

I beg you will have the goodness to submit the above to the Honourable the Lieutenant Governor, and have the honour to be, &c.

(signed) *J. Van Sevenhoven*, Advocate Fiscal.

Batavia, 21st October 1815.

To the Honourable Thomas Stamford Raffles, Lieutenant Governor of the Island of Java and its Dependencies, &c. &c. &c.

Continuation of the same subject.

Honourable Sir.—In endeavouring to trace newly imported slaves, against the prohibition of doing so, I discovered and apprehended two persons, who declared to me to have been imported here from Bali not much longer than a few months.

Short

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Short while after, the Chinaman Orew Lengtjeen, addressed himself to me to claim these two slaves, shewing to me two certificates or deeds of property in his name, to prove his being the proprietor of them. I explained to him that those certificates were of no value, as the evidence therein given was false; he replied that he did not know it, but thought that when any one sold to him a slave, giving him at the same time the transfer of such slave, he could then be assured that he was not imposed upon, nor that he committed an offence by such purchase, requesting me to have his slaves returned to him, this I did, on his giving me security for 1,100 rupees, until I would have obtained your Excellency's decision on the proposal I have to make.

I therefore beg leave to state for your Excellency's information, that it is a common use here, even from the time the slave trade was free, that when any person had mislaid or lost the certificate of his slave, such owner easily obtained another certificate or deed of property, when he could but produce two persons, who, on presenting their oath, deposed that they bore knowledge that a certain person was for any time serving as a slave with such a one, and that they thus knew that that person was a slave; such is the certificate or deed of property which I have seen from the apprehended slaves of the said Chinaman; and as it may be true that he rested in the opinion that when he got a certificate or deed of property made out before a public notary, he did not commit any mischief, and hereby could have been shamefully misled. I therefore think it my duty to propose your Excellency to allow, that the town major do emancipate the aforesaid persons from slavery, but that they at the same time be allowed, under the necessary precautions, to remain with the said Chinaman as free persons, under such terms as free persons are generally engaged in service.

I at the same time beg leave to bring it to your Excellency's knowledge, that after the publication of the Act passed in Parliament against the slave trade, different persons could have been imported, and sold here as slaves, who were purchased by some inhabitants ignorant of their committing thereby a mischief; and that I myself have been at Clulingtzing, where I apprehended a Chinaman, at whose house a new imported person was found, whom I ordered to be seized, having had information that she knew of some other persons also clandestinely imported as slaves.

The said Chinaman declared to me, that the person seized was not his slave, but kept by him as a housekeeper. This evasion is certainly very ingenious, in case the same be admitted as the truth, and will, in a great degree, lessen the mischief; therefore, and with a view to prevent all evasions in carrying on the shameful trade in slaves in future, and also that no innocent persons be punished for this mischief, I beg leave to propose:

1st.—That a new publication be issued, thereby renewing the prohibition of the slave trade in the Act of Parliament, with the following additional limitations.

(A.)—That no person whosoever shall be allowed, under whatever pretence it may be, to take up, retain, or provide for persons, who, to all appearances, have newly been imported, or to keep such persons in his service.

(B.)—That in case some persons be found, with regard to whom there is no certainty of their being natives of Java, or of their having been residing here for a long time, every one shall be obliged to address himself with those persons to the advocate fiscal, who then shall minutely inquire into the case, and the same appearing doubtful to him, address himself to government on the subject.

(C.)—That no certificates or deeds of property made out at the evidence of two persons shall in future be valid, with respect to new imported persons, to retain them as slaves, and that those doing it contrary, shall be considered as falling on the terms of the law.

(D.)—That all those that have got newly imported slaves in possession in manner aforesaid, either ignorantly or being therein misled, shall be obliged to give information thereof to the advocate fiscal directly after the publication, in order due measures be adopted by government on the subject.

(E.)—That in case owners of slaves got by them in aforesaid manner, discover the sellers of those slaves to them, the latter shall be bound to return the value they have received for such slaves.

(F.)—That in a month after the publication any person being discovered to have in his service persons of the description as in the foregoing articles, without his having given information of them to the advocate fiscal, such a one shall be considered as falling in the terms of the law.

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2d.—That your Excellency may be pleased to direct the public notaries, and all other authorized persons to execute public deeds of property or otherwise at Batavia, and all over the Island of Java, that when persons may appear before them to give evidence of their bearing knowledge of a certain person being a slave, they should also have this person brought before them, to ascertain whether he or she really is a slave of the person in whose favour the evidence will be given; that they shall be cautious, and will inform themselves if the said person is a newly imported one (which may easily be discovered), and that in such cases, no deed of property be executed of him or her subpœna of falling in the terms of acting contrary to the laws, and that when they may be doubtful of such a person, the case be immediately referred to the advocate fiscal.

3d.—That should my abovesaid first proposal meet with your Excellency's approbation, your Excellency will then be pleased to authorize me to have in such cases as fall in the terms under L.D. the persons therein alluded to, brought before the town major, to be by him set at liberty, allowing them however to remain in the service of those with whom they were, but only as free persons, and on being thus treated; and that from time to time report hereof be made to government.

I beg leave to suggest the above as the best means, as well to prevent the trade in slaves, as to redress what has already taken place with respect to them, submitting however these my opinions to your Excellency's better judgment on this subject.

Batavia, 3d November 1815. I have, &c.

(signed) *J. J. Van Sevenhoven*, Advocate Fiscal.

The Board taking this subject into consideration, and considering it proper and in accordance with the Acts of the British legislature,—

Resolution, That all due restrictions consistent with the right of property be enforced to prevent the traffic in slaves.

Considering also that an erroneous idea would seem to exist, under which it is supposed that if the persons can once be sold, the intention of the legislature can be evaded,—

Resolved, That the following proclamation be published and circulated for general information.

PROCLAMATION.

Renewing Law against the importation of Slaves.

WHEREAS the Hon. the Lieutenant Governor in council has reason to apprehend, that clandestine attempts have of late been made to introduce Balinese and others on this island, for the purpose of being sold as slaves; and that an erroneous idea may be entertained, that such persons having once been introduced, may be treated and considered as slaves without reference to the date of their being brought to this island, which is contrary to the spirit and intent of the proclamation under date 5th February 1813, whereby all further traffic in slaves is prohibited, except in as far as the rights of actual property affected the persons of slaves already in Java; the Lieutenant Governor in council does in consequence, and in accordance with the Acts of the British legislature to prevent this disgraceful traffic, hereby repeat and renew the said proclamation under date 5th February 1813; and calls upon all the public authorities acting under this government, to be vigilant and careful in preventing and bringing to notice, all persons guilty of a breach thereof; and in order to restrain more effectually the illicit importation of slaves, by withholding a right of property therein, it is hereby proclaimed, That no persons whatsoever introduced within the jurisdiction of this government since the publication of the proclamation aforesaid, can, under any circumstances, be treated and considered as slaves; all persons, therefore, who may have obtained possession of slaves since that date, are required within one month of the date thereof, to bring the said slaves before the nearest magistrate, and to show proof of the time and manner in which they obtained the said slaves; in failure whereof, the parties, if possessing persons illegally imported and treated as slaves, will be considered liable to the penalties of the Acts of Parliament, and the slaves in their possession, who are not proved to have been brought from Java anterior to the 5th February 1813, will be forthwith emancipated according to the form of the colonial laws.

The Lieutenant Governor in council is further pleased to declare, that no one is permitted to purchase any person as a slave who is not personally produced before the nearest magistrate, and proved to have been a slave in Java, or to have been imported as a slave, anterior to the prohibition of the trade in slaves; such purchases being declared null and void, and the purchasers liable to the full penalties of the law against unauthorized traffic in slaves.

The

The officers of justice and police respectively are especially charged with the execution of this order, and any public officer of government, or notary public who may assist or be concerned in the transfer or appropriation of persons as slaves (such person not being clearly so proved to have been introduced as slaves at a period when the trade in slaves was permitted), will be considered liable to the penalties of the Act of Parliament, and shall be prosecuted with the utmost rigour of the law.

That no one may plead ignorance thereof, this proclamation is directed to be published in the Government Gazette, and to be translated into the native languages, and affixed at the usual places.

Given at Batavia, this 17th day of November 1815, by me, the Lieutenant Governor of Java and its dependencies,

(signed) *T. S. Raffles.*

By order of the Honourable the Lieutenant Governor in council.

(signed) *C. Assey*, Sec. to Government.

Batavia, 17th Nov. 1815.

The Board, resuming consideration of the proposed regulations for the better prevention of the traffic in slaves, the letters of the advocate fiscal recorded last council are again read, together with the proclamation then recorded.

Read the following letter from the sitting magistrate, connected with the foregoing inquiry.

Letter from the sitting magistrate to Charles Assey, Esq. Secretary to Government.

Sir :—As sitting magistrate for the past week, I have to acknowledge the receipt of your letter of the 8th instant, and to report, for the information of government, the result of the inquiry immediately instituted into the case of the two natives of Bali, claimed as slaves by the Chinese Oura Seng Tiorno. On summoning the parties, and interrogating them in the presence of the advocate fiscal, regarding the circumstances attending their captivity, it evidently appears, that the natives in question had been imported into Batavia about the month of August last, had been clandestinely landed, it is presumed somewhere about Tanjong Priock, and conveyed to town in the night time, with four others, being the residue of eight individuals originally carried from Bali by a Chinese resident of Sourabaya, named Tro Kiebsey, and who, from the depositions of Oura Seng Tiorno, was indebted to him a sum of money, in payment of which he proposed making over three natives, alleged to be slaves, which was agreed to by Oura Seng Tiorno, provided his right of property in them could be established by the requisite papers, which having been executed in the usual form by the notary, Mr. G. Drost, the bargain was concluded. One of the three individuals (a female) thus purchased, is since dead ; of the eight persons originally carried away from Bali, two had been landed, and probably sold at Sourabaya, and three of the six landed here have not yet been found, but diligent search is making, in order to discover in what manner and to whom they have been disposed of. The investigation of this case has not yet led to any further discoveries of illicit traffic in slaves, since the proclamation of this government was issued, publishing the last Act of the British legislature regarding the slave trade. As it is fully established that the two natives claimed by Oura Seng Tiorno, have been imported into Batavia long after the promulgation of the existing laws, and cannot be considered as slaves, the necessary steps will be taken for their emancipation, they have therefore been withdrawn from under the authority of the Chinese, and are provisionally in charge of the advocate fiscal. It might not be deemed presumptuous or superfluous at this time to bring to the notice of government the power which the notaries either possess or assume in granting on the simple assertion of one or two individuals, a right of property in a fellow creature, and not unfrequently done (I am informed) without even seeing the parties, or ascertaining whether they really be slaves or not. It might therefore tend in some measure to discourage the inhuman traffic, for government to impose some wholesome restrictions on the notaries in this respect, to prevent the facility with which such title deeds are at present obtained.

I have, &c.

Police Office, Batavia, 13th Nov. 1815. (signed) *William Wall.*

The proclamation is adopted, and ordered to be translated into the native languages, and circulated for general information and guidance.

Bengal Papers: State of Slavery in Company's Territories.

Batavia, the 1st December 1815.

The Board, adverting to the proclamation under date the 17th ultimo, regarding traffic in slaves, and deeming it necessary that supplementary regulations be adopted to ensure the emancipation of persons coming within the causes therein alluded to, as well as to secure the due registry of all slaves,—Resolved, that orders be prepared and laid before the Board at a future meeting.

Batavia, the 20th December 1815.

The Board, resuming the subject considered on the 1st instant, adverting to the present undefined state of the registers of slaves, and deeming it proper to carry into effect the results of the regulation of this government, by which the annual registry of slaves was required, approved the following proclamation and order; and ordered, That they be published in three successive gazettes, and made known in the native languages.

PROCLAMATION.

IN order more effectually to carry into effect the intention of the proclamation of government, under date the 15th May 1812, requiring the annual registry of all slaves, the Honourable the Lieutenant Governor in council is pleased to direct that the bench of magistrates at Batavia, and the residents in the other districts in Java and Madura, do, on or before the 15th of August in each year, transmit, for the information of government, an attested copy of the register of all slaves registered from the 1st of May preceding, in pursuance of the said proclamation. The said list to be alphabetically arranged in the following form, and a number to be set against the name of each slave, which is to correspond with the number inserted in the certificate of registry granted to the proprietor.

Number of Certificate.	Age.	Height.	Country.	Where Born.	Proprietor's Name.

Within one month after the receipt by government of the above, a list will be published of the slaves who may appear, from the lists of former years, not to have been registered during the last year, in order that the parties may be declared to have become emancipated, in pursuance of the proclamation of government.

The Honourable the Lieutenant Governor in council is further pleased to pass the following supplementary rules and regulations respecting slaves, and will require implicit attention thereto from all persons under this government.

1st.—Whenever a slave dies, or whenever a child is born of parents who are slaves, the same shall be reported to the bench of magistrates, and the bench will transmit to government a monthly list of the casualties that have thus occurred. The same will be done in other districts by the resident.

2dly.—The public notaries will carefully retain a list of all slaves on whose account they deliver at any time the usual papers of transfer. This list is to be kept in the form above mentioned, and they will on the 1st of each month transmit a copy for the information of government.

3dly.—The government, being desirous of removing the expenses that now exist in the emancipation of a slave, and conceiving that this expense may in some instances prevent this laudable proceeding, all fees on the emancipation of slaves, whether paid to the officers of the court of justice, or to the native orphan chamber, are abolished from and after the 1st proximo.

4thly.—The following extract from the statutes of Batavia is republished, and the officers of justice and police are required to be careful in noticing any breach thereof.

"That in order to prevent all opportunity of bad practice, no person whatsoever "is allowed to bury his deceased slave, either on his own grounds or elsewhere, "without giving notice to the officers of police, unless the said person resides beyond "the limits of the town, in which case he shall call two of his neighbours to bear "witness of the death of the slave, and report the same to the officer of police."

5thly.—A practice having prevailed in this colony, by which the officers of police have, on the bare requisition of the proprietor of a slave, committed the said slave to prison during the pleasure of the proprietor, on condition of his paying the expense of maintenance, &c. the Honourable the Lieutenant Governor in council

is

is pleased to declare the said practice to be illegal, from and after the 1st of January next, and in future no slave whatever is to be committed to prison by any judicial or police authority, otherwise than is provided for in the case of the subjects of His Britannic Majesty, residing in these colonies in general, and without sufficient proof of the misconduct of the said slave, on a particular charge.

That no one may plead ignorance thereof, this proclamation is directed to be published in the Government Gazette, and translated into the native languages, and affixed at the usual places.

Given at Batavia, the 20th day of December 1815, by me, the Lieutenant Governor of Java and its dependencies.

(signed) *Thomas S. Raffles.*

By order of the Honourable the Lieutenant Governor in council.

(signed) *C. Assey*, Secretary to Government.

PUBLICATION.—With a view the more effectually to carry into effect the provisions of the proclamation under date the 17th November last, regarding the future importation and trade in slaves, the Honourable the Lieutenant Governor in council is pleased to pass the following order:

1st.—The bench of magistrates at Batavia, and the residents respectively, are ordered to transmit to government, on or before the 1st of February next, a list, alphabetically arranged, of all slaves within their jurisdiction, and are authorized and desired to require all householders or persons having slaves, to furnish a list agreeably to the following form.

Names of the Slave.	Age.	Height.	Country.	Whether born in Java, or imported.	Owner's Name.	General Remarks.*

* This column is intended to include any descriptive features.

2dly.—Each person having slaves will furnish a list of this description, on or before the 15th proximo, and from them a general detailed list will be prepared and transmitted to government.

By order, &c. (signed) *C. Assey*, Sec. to Government.

Batavia, 20th Dec. 1815.

Ordered, That a copy of these documents be circulated to the courts of justice and magistracy, and to the residents throughout the island, with an injunction, that government expect and will require their implicit and zealous attention thereto.

(True extracts.) *C. Assey*, Secretary to Government.

Extract of a Letter from the Governor General in council to the Government of Java, dated the 4th May 1816.

Letter from the Governor of Java, paragraph 16 to 19.

4. The arrangements adopted by you, as reported in these paragraphs, to prevent the illicit importation of slaves into Java, and to enforce strict compliance with the provisions of the Act of the 51st Geo. 3. c. 23. are approved.

Extract of a Letter in the Public Department from the Court of Directors to the Governor General in council of Bengal; dated the 12th May 1819.

Answer to letter from Bengal, dated the 10th May 1817, (24 to 26), transfer of Java to the Dutch. Had previously emancipated the public slaves, with an offer of returning them to their native country at the public expense.

Par. 62.—We entirely approve of your proceedings, in emancipating the slaves at Java, previously to the transfer of that place to the Dutch, as we do of the option you gave to all the slaves, of being conveyed at the public charge to their native country.

Bengal Papers: State of Slavery in Company's Territories.

PAPERS relative to the Abolition, by the British government in India, of a duty levied on the sale of Slaves, by the former government of Kemaon; and to the suppression of the traffic in Slaves in those countries bordering on Nepaul, which were brought under the authority of the British government by treaty, in 1815.

Extract of a Letter in the Political Department from the Governor General in council of Bengal to the Court of Directors; dated 11th September 1816.

Par. 48.—The sayer collections in Kemaon, were made on the same principle and at the same rates as had been the practice of the former governments, neither the articles on which the duty was imposed, nor the rate of duties being considered in any respect objectionable, with the exception of a tax on the sale of children, which was immediately abolished, together with the traffic itself, on our assumption of the government. We cannot touch on this subject, without adverting to a consequence of our having wrested the hill country from the Gholkas, in which your honourable Court will feel the most lively satisfaction. A slave trade of great extent has been totally extinguished, and the hapless families, from whom the Gholkas used to tear away the children for sale, have now to look with joyful confidence on the security bestowed on their offspring by the British government.

Secret Con. 4 July 1815. N° 21 & 22.

Extract, Bengal Secret Consultations, 4th July 1815.

The Honourable E. Gardiner to John Adam, Esq. Secretary to the Government in the Political Department.

N° 21.

Sir:—I do myself the honour to submit for the consideration of his Excellency the Governor General, a statement of the transit duties in this province, with a list of the articles of trade on which they have hitherto been levied; and in conformity to which, I have authorized their being still collected, subject to the sanction of government, and such modification as it may hereafter be deemed expedient and advisable to introduce into this branch of the public revenue.

2.—I have considered it my duty to abolish with the practice, the duties which were heretofore levied on the sale of male and female children, which I understand was formerly carried on to a great extent. This step will, I trust, meet with his Lordship's approval, the laws in force against this custom, in the rest of the Company's possessions, added to the additional check it will now receive, cannot, I imagine fail of soon putting an entire stop to this traffic, in such portion of the mountains at least as shall be under our immediate control.

3.—With this one exception, none of the other articles or the duties imposed on them, appeared to be in any wise improper, or to call for immediate abolishment or alteration.

I have, &c.

(signed) *Edward Gardiner*, Commissioner.

Kemaon Camp, near Peetorahgurh, 24th May 1815.

STATEMENT of the Sayer Duties in force in the province of Kemaon, specifying the different articles of trade, with the amount of the transit duties on each.

(Extract.)—Slaves, male and female, each, 2 R' 8 A'. This has been abolished and a stop put to the traffic, as obviously improper.

To the Honourable Edward Gardiner, &c. &c.

N° 22.

Sir:—I have the honour to acknowledge the receipt of your despatch of the 24th ult. enclosing a statement of the transit duties in the province of Kemaon, with a list of the articles of trade on which they have been hitherto levied, and reporting your having for the present authorized their being still collected, with the exception of the duties on the sale of male and female children, which have ceased with the abolition of that inhuman practice.

2.—The continuance of the transit duties, as detailed in the statement which accompanied your dispatch, is sanctioned by the Governor General, and his Lordship highly approves of your having abolished the traffic in children.

I have, &c.

(signed) *J. Adam*, Secretary to the Government.

Futtyghur, 2d June 1815.

Bengal Papers: State of Slavery in Company's Territories.

PAPERS relative to thirty-five natives of Bengal, who being found in the service of Mr. William Browne, on his estate, M'Quarrie Place, at Sydney, in New South Wales, were discharged by the colonial magistrates, and restored to their native country at the expense of the British Government in India: 1819.

Extract of a letter from the Governor General in council of Bengal to the Court of Directors in the Public Department; dated 31st July 1820.

Par. 141.—On the proceedings noted in the margin, is recorded a letter from the secretary to the government of New South Wales, stating that thirty-five natives of Bengal, who had lately been discharged by the order of a bench of magistrates, from the service of Mr. William Browne, by whom they had been cruelly treated, had been embarked for their native country, at the expense of the colonial government, on board a ship proceeding to this port. A further letter from the secretary at Sydney, recorded on the annexed date, contains the particulars of the cases of the natives in question. It appears that they left Bengal unknown to this government, and were landed at Sydney without the previous permission of the governor of the colony. They entered freely into the service of Mr. Browne, but in consequence of his ill treatment of them, they were released by the magistrates of Sydney, from their engagements.

Cons. 1st October 1819. 1st part of 2, 3, and 4.

Cons. 5th Nov. N° 1 to 6.

Par. 142.—Mr. Browne not being a resident in the provinces subjected to this government, we did not consider it necessary to prosecute any investigation into the circumstances of the case, after we had received detailed information on the subject from Sydney; but we authorized a small sum to be distributed among these distressed individuals on their arrival at Calcutta, and we have taken precautions, with the view of preventing the future embarkation of people of their description for New South Wales, without adequate security for their good treatment from the individuals who may engage their services.

Par. 143.—The government of New South Wales subsequently instituted legal proceedings against Mr. Browne at Sydney, with the view of recovering the amount of the expenses incurred by that government on account of the passage to Bengal, of the above-mentioned natives. The result of the action being unsuccessful, a hope was expressed on the part of the government of New South Wales, that we should be enabled to adopt such measures as would compel Mr. Browne to reimburse the government of New South Wales, for the expense incurred on account of his servants.

Cons. 5th May 1820. N° 5 to 9.

Par. 144.—In reply, we informed that government that we apprehended that no legal measures, as suggested by it, could be pursued in Bengal against Mr. Browne, with any prospect of success, for the recovery of the amount expended, especially as Mr. Browne was absent from Calcutta. As, however, the sum in question was humanely disbursed by that government, for the relief and accommodation of persons, subjects of the Honourable Company, we deemed it equitable that His Majesty's government should be exonerated from the burthen of such expenditure. The government was requested therefore to cause the sum of 386 *l.* 3 *s.* to be carried to the debit of the supreme government of India.

Extract, Bengal Public Consultations, 1st October 1819.

Read the following letter.

Secretary, New South Wales.

Secretary's Office, Sydney, New South Wales, 22d July 1819.

Sir:—I have the honour to inclose herewith attested copy of the muster roll of the ship Mary of Calcutta, whereof Mr. Benjamin Orman is commander, bound from this port to Calcutta, for the information of the Honourable the Governor General in council, pursuant to the plan adopted by this government, in respect to ships and vessels departing from hence. N° 1

I have, &c.

(signed) *J. F. Campbell*, Secretary.

C. M. Ricketts, Esq. Chief Secretary to Government, Bengal.

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List of thirty-five male and female natives of India, proceeding at the expense of Government in the ship Mary to Calcutta.

MALES.

Azeem.	Kether.	Ajimal.	Gophal.
Jitto.	Kareen.	Charmine.	Lukhman.
Tagordoss.	Maboo.	Meajon.	Wudehub.
Tejua.	Succanie.	Noama.	Parseen.
Singuan.	Gursee.	Muzzoo.	Buitgram.
Tribun.	Mooleram.	Khookha.	Khatook.
Bahadeer.	Bordan.		

FEMALES.

Thomassea.	Gungah.	Buckteen.
Gurva.	Bowe.	Pearce.
Jumma.	Chandmenny.	Lutchub.

Ordered, That the muster roll mentioned in the foregoing letter, be sent to the magistrate of the town of Calcutta, with reference to Mr. Chief Secretary Ricketts's letter to their address of the 26th October 1816*.

* This letter related to the means which had been proposed for preventing the escape of convicts from New South Wales to Bengal.

Secretary, New South Wales.

Secretary's Office, Sydney, N. S. Wales, 23d July 1819.

N° 3.

Sir:—I have the honour to communicate to you, for the information of the Most noble the Governor General in council, that thirty-five miserable natives of Bengal, who were lately discharged by the order of a bench of magistrates here, from the service of Mr. William Browne, a merchant, who came here some time ago from Calcutta, in consequence of their having been cruelly and inhumanly treated in their said service, are now embarked for their native country, at the present expense of this government, on board the ship Mary, Captain Orman, by which conveyance I have now the honour to address you.

A representation of the circumstances of this case will be made to the government, by an early opportunity, at greater length than particular circumstances will now admit of. Five other natives are returned by this occasion, at the expense of Mr. Browne. The copy of clearance, which I transmit in the usual way, will inform you of the names of those several persons. I have, &c.

(signed) *J. F. Campbell*, Secretary.

C. M. Ricketts, Esq. Chief Sec. to Gov^{t}, Fort William, Bengal.

To the Magistrates of Calcutta.

N° 4.

Gentlemen:—I am directed to transmit to you the annexed extract from a letter from the secretary to the government of New South Wales, dated the 23d of July, and to request that you will examine the natives of Bengal alluded to, who are stated to have arrived from Sydney in the Mary, Captain Orman, and report the circumstances under which they left Bengal, and any other particular relating to their case, which you may be enabled to ascertain for the information of government.

I have, &c.

(signed) *C. Lushington*, Secretary.

Council Chamber, 1st Oct. 1819.

Extract, Bengal Public Consultations, the 5th November 1819.

The following orders issued since the last meeting of Council are ordered to be here recorded, together with the documents to which they refer.

Secretary, New South Wales.

N° 1.

Secretary's Office, Sydney, New South Wales, 29th July 1819.

MALES.
Azeem.
Jettoo.
Takor Doss.
Tejua.
Sing Ram.
Jaebon.
Karem.
Maboo.

Sir:—With reference to my letter of the 23d instant, per ship Mary, I have now the honour to transmit you, for the information of the Most noble the Governor General of India in council, a series of memorials and other documents respecting thirty-five Asiatic natives of both sexes, who have been embarked on board the Mary, Captain Orman, for passage to Calcutta, at the present expense of this government.

These

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These Indians, whose names are inserted in the margin, were originally brought here by a Mr. William Browne, who came from Calcutta about two years ago to settle as a merchant and farmer in this country, and were landed without any reference being made to his Excellency the Governor for permission so to do. When it was understood subsequently that these people had remained here of their own accord, and they being considered at once inoffensive and industrious, his Excellency did not feel it necessary to institute an inquiry into the authority by which they had been introduced here; but the treatment which they have experienced from their master being of so cruel and tyrannical a nature as to call for the humane interference of the laws, to rescue them from their manifold sufferings and oppressions. That authority having been interposed, they have been relieved from their abject dependence on Mr. Browne, and eventually provided by this government with a passage back to their native country.

The documents furnished to the Governor by a bench of magistrates, a copy thereof is transmitted herewith, will show the light in which that bench beheld the conduct of Mr. Browne and his family towards those persons, and the opinion entertained by them in regard to this government extending a temporary support and an eventual passage to Calcutta to those miserable half starved creatures.

The compassion excited on this occasion induced his Excellency the Governor, to furnish these people with shelter and other accommodation, even about government house, from the time of their being relieved from the service of their unfeeling task master, until that of their embarkation for Calcutta.

Mr. Browne having refused either to pay the passage or subsistence money of these Indians, his Excellency has been obliged to support and find passage for them at the expense of this government, to an amount exceeding 400*l.* for the recovery of which legal proceedings are about to be instituted against Mr. Browne.

As the case of the Asiatic coming hither on the good faith of employers leaving India, appears to be worthy the consideration of the Most noble the Governor General in council, so that further abuse may not take place in regard to them, and in order to guard this government also from being exposed to similar vexatious and expensive proceedings, his Excellency hopes that such measures will be adopted in punishment (if possible) of Mr. Browne, as may be a sufficient lesson to guard against a recurrence for the future of such deportation of Indian natives from their own country to this colony.

I have, &c.

To C. M. Ricketts, Esq. (signed) *J. F. Campbell*, Secretary.
Chief Secretary to Government.

MALES—*continued.*
Soocanny.
Grassee.
Motee Ram.
Asman.
Meagor.
Roannah.
Magoo.
Chokah.
Ghopal.
Lutchnan.
Wudchub.
Tabasing.
Busty Ram.
Khatooah.
Bahadeer.
Boodeen.

FEMALES
Thomassia.
Gurah.
Lutchal.
Gunjah.
Bow.
Choundmony.
Bucktin.
Pearce.
Jummah.
Kethia.
Chamme.

(Copy.)

12th July 1819, Judge Advocate's Office.

Sir:—I beg leave to transmit enclosed the report of the special bench of magistrates, assembled by your Excellency's directions to investigate certain complaints as to various grievances and general ill-treatment submitted against Mr. Browne, of Sydney, by certain Asiatic servants late on service, as also the order of discharge made and depositions taken in that respect.

I beg leave to note also the memorials, letters and papers particularized per margin as also transmitted herewith.

I have, &c.

To His Excellency Governor Macquarrie, &c New South Wales. (signed) *John Wylde*, Judge Advocate, N. S. W.

N° 1. Memorials of Azeem.
– 2. Woodchub and others.
– 3. Berdein.
4. Meajon.
– 5. Thomassia.
– 6. Woodchub and Jittoo.
– 7. Dangreine and Another.
– 8. Certificate of Budein.
– 9. Account of Charges by Budein and Another.
– 10. List of Asiatic Servants.
– 11. Abstract of Agreement.
– 12. Account of Balances to Servants, Letters from Mr. Browne.
– 13. - - - 17 June 1819.
14. - - - 18 „ „
– 15. - - - 22 „ „
16. - - - „ „ „
– 17. - - - 24 „ „
– 18. - - - 28 „ „
– 19. - - - 30 „ „
– 20. - - - 12 July „

(Copy.)

Whereas, complaint hath been made unto us, the Honourable John Wylde, Esq. judge advocate of this territory, D'Arcy Wentworth, Simeon Lord, and Richard Brooks, Esqrs. justices of the peace, in and for the said territory, upon the oaths of Bowannee, Lutchman, Keenoo, Denoo, Pharsing, Sing Ram, Durza Ram, Thaewa, Lutchman (the younger), Soocany, Bustee Ram, Woodchub, Azeem, Keereim, Thomassie, Gee Too, Buteen, Meerjaun, Buck Tein, and Pearce, natives of India,

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servants and labourers in the said territory, that sometime since, they, the said Bowanee, Lutchman, Keenoo, Denoo, Pharsing, Sing Ram, Durza Ram, Thaewa, Lutchman (the younger), Soocany, Bushee Ram, Woodchub, Azeem, Keereim, Thamassee, Gee Too, Buteen, Meerjaun, Buck Tein and Pearce, with other Asiatic natives, were hired by and entered into the service and employment of William Browne, of Sydney, in the territory aforesaid, for certain respective times and periods, that they, together with other Asiatic natives aforesaid, did enter upon, and afterwards, until presentment of this complaint, continued in the said service and employment, and that during the said service they and other Asiatic natives as aforesaid, in the said service, have been greatly misused, refused necessary and proper provisions, and otherwise ill-treated: And whereas the said William Browne, in pursuance of our summons for that purpose, has duly appeared before us: And whereas it hath been duly proved on oath before us, that the said Bowanee, Lutchman, Keenoo, Denoo, Pharsing, Tong Ram, Durga Ram, Thaewa, Lutchman, Soocany, Bushee Ram, Woodchub, Azeem, Keereim, Thamassia, Gee Too, Buteen, Meerjaum, Buck Tein and Pearce, as also all the servants, natives of India as aforesaid, and in the said service and employment of the said William Browne, have been misused as to inadequate and very insufficient wages, for due maintenance and support in this country, and otherwise insufficiently and ill fed, unduly worked, greatly aggrieved and unjustly treated in the said service and employment of the said William Browne; we do therefore hereby order, in pursuance of the statute in that case made, that they the said Azeem, Bow Kanum, Woodchub, Meajon, Lutchman, Jettoo, Bugthein, Pearce, Thomassia, Madoo, Toonah, Denoo, Keenoo, Bowannee, Lutchman the elder, Tuban, Asman, Bahadur, Gopall, Bustee Ram, Tejerah, Cojah, Gossee, Chaund, Munnee, Jeera, Junnua, Ganja, Chamine, Kettien and Baloon, be discharged, and we do hereby discharge them from the service and employment of him the said William Browne.

Given under our hands and seals this 12th day of July 1819.

(signed) *John Wylde*, Judge Advocate, N. S. W.
D. Wentworth, J. P. (L. S.)
S. Lord, J. P. (L. S.)
Richard Brooks, J. P. (L. S.)

(Copy.) Court Room, Sydney, 12th July 1819.

Having, in pursuance of directions from your Excellency, inquired into and examined the complaints by certain Asiatic natives, as to general misusage, cruel treatment, and want of due provisions and other necessaries in the service and employment of Mr. William Browne, of Sydney, by whom, or at whose instance, they have heretofore been and were brought and conveyed from India to this colony, not without circumstances of doubt and suspicion, as to due sanction and public authority having been first obtained in that respect, we have respectfully to report, that upon depositions taken, (herewith transmitted) and upon other proof taken before us as to the said complaints and matters of grievances, we have determined and duly made order, under our respective hands and seals, that all the said servants should be and were respectively discharged from the said service and employment.

Desirous of giving due redress to the complainants, by means as little coercive and authoritative as the justice of the case might allow, we readily for a time delayed further proceedings, till the private arrangement suggested in Mr. Browne's letter, dated 17th June last, had been entered into. Some investigation of the accounts as to the balance of wages upon the respective services performed, as will appear by certain papers and documents herewith transmitted, was entered into, but was afterwards rendered abortive by Mr. Browne's unexpected refusal to abide, but by legal interference and decision.

And although aware that the case allows not to us as justices, the exercise of any other summary power of jurisdiction than in the above respect, we cannot be restrained from submitting to your Excellency the opinion, that in due justice and right, a free passage and return to India, with maintenance and all proper necessaries during the voyage, should be found to all the Asiatic servants respectively, who are desirous of returning to their native country so much more congenial to their habits and advantageous to their interests, at the sole expense and cost of Mr. Browne; and where we are so satisfied, that all wages, &c. due to them may, by more efficient

proceedings

proceedings than could be adopted here, be so certainly recovered, as to excite less regret that the private arrangement in part acted upon, was not more fully carried into effect.

This also we feel assured, that Mr. Browne may, and will be enforced to repay to the public colonial fund, the sum of seventy pounds advanced therefrom, as it appears, under the humane consideration and order of your Excellency, for their maintenance and support from the period of their complaint being submitted to your Excellency up to the date of this report. As indeed any further reasonable advance your Excellency may be influenced to direct in present relief, or in providing the necessary means of return to that country, where their wrongs will be as surely as effectually had in regard.

It remains only further to state, that in these several respects Mr. Browne has been duly informed of the order made, and report submitted to your Excellency.

To his Excellency
Governor Macquarrie, &c.
New South Wales.

(signed) *J. Wylde*, Judge Advocate, N. S. W.
D. Wentworth, J. P.
S. Lord, J. P.
Richard Brooks, J. P.

(Copy.)—Before me, D'Arcy Wentworth, Esq. Magistrate of the Territory.

Bowannee, a servant of Mr. Browne's saith,—I have been fed upon Indian corn contrary to my agreement; I have had plenty; I was at the farm when Mr. Cornelius O'Brien threatened to shoot me with a musket if I dared to leave it. I was kept up all night picking Indian corn. I was building a hut, and there was some deficiency in the work, and Mr. Browne Glosse whipped me five strokes; we all worked all day every Sunday. My time of agreement is expired, and I want to go home. I have had a bottle of rum, for which I was charged two rupees, and it was half water.

Cross Examined by Mr. Browne.—The men who came first with Mr. Browne were all fed with Indian corn for twelve months after their arrival. There was a bag of rice given in to the labourers to be used at their discretion; it was among ten men, and usually lasted ten or twelve days, when it was replaced by another; this was after the first twelve months. I remember Jetto going with me to Mr. Browne to complain of insufficient food; Jetto said one mug of wheat more would be sufficient amongst four men; Mr. Browne said he would give me one mug of wheat more amongst three men, with which I was satisfied. Mr. Ward the manager, found wheat in their houses which they had not consumed; Mr. Browne told all of us whose time of agreement was expired, that they might return home in the Mary; Mr. Browne gave them the option of going; they all refused to go to the farm; when I was beat I did not complain, although I have been twice since at Sydney; since we received some land for ourselves about three months ago, we have been allowed to work for ourselves; every body works at Calcutta upon Sundays.

Sworn before me this 7th July 1819.
(signed) *D. Wentworth*, J. P.

Bowannee his × mark.

Lutchman, a servant of Mr. Browne saith,—I came down to Sydney to complain of ill treatment of having been beat. I was digging a ditch; Mr. Browne came past on horseback, and without any reason struck me on the face with his horsewhip, and then dismounted and struck me with his fist; it was two years since; they would not let me quit the farm to complain; Mr. Browne prevented me. I have been at Sydney once since, and did not complain; I was fed on Indian corn for twelve months after my arrival; I had enough of it; I had nothing but Indian corn, neither meat nor butter, nor any thing else; it was the second twelve month that I was fed upon Indian corn; I had rice during the first; I had dhol with the rice; I do not complain of deficiency of provisions, until Mrs. Browne's arrival about a year ago; I was a useful man in fencing, and Mrs. Browne promised to advance my wages, but he did not do it. I have had three bottles of rum charged to me, it was half water, Maloo can prove it; my time with him is expired, and I want to go home; I have got no notice of going home, except that when I came down to Sydney, Mr. Browne said, why did you come down, I was going to send for you to go in the Mary. I have been employed in falling trees, ditching, and

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fencing, and generally as a labourer; always employed on Sundays about a year ago. Mr. Browne gave me land, but I used to work on it at night; sometimes I got leave to work on it on Sundays, and sometimes not, but then I worked for Mr. Browne. I have been worse treated since Mrs. Browne's arrival than I was before.

Sworn before me the same day, *Lutchman* his × mark.
(signed) *D. Wentworth*, J. P.

Keenoo, a servant of Mr. Browne's,—They all came down to Sydney, and I came down. I complained that Mr. Browne beat me, about 18 months ago, with a horsewhip; I was doing something in the cattle yard, and master beat me; he also beat me once more, three strokes; till Mrs. Browne's arrival I had no complaint to make of food, since which I have been fed with bran bread, and not enough of that. Mr. Cornelius O'Brien ordered me out in the middle of the night some time ago to pick corn; it was three or four days after we first arrived at the farm, and threatened us with a musket if we did not; I did not complain to Mr. Browne; I was sent to the Five Islands, and was employed in fencing, digging, falling trees, and in working with a sawyer for three months, but Mr. Browne promised to advance my wages, but did not do so; I have often worked on Sunday's for Mr. Browne; I was fed on Indian corn for a twelve-month. I was first fed on rice until the corn was ripe, and afterwards on corn. Mr. Browne promised me a second advance of wages, but did not do so. About a twelve-month ago my agreement expired. Two others similarly situated went away in the Mary to India; I wanted to go away, Mr. Browne would not let me; I came at the time those men came, and on the same terms; and it appeared their agreement had expired, I thought mine was. The European sawyer with whom I worked, paid Mr. Browne half-a-crown a day for my labour; Mr. Browne never told us to go and help ourselves to food, when we complained of insufficiency; I have had four bottles of rum, charged a dollar a bottle; which was half water.

Sworn before me the same day, *Keenoo* his × mark.
(signed) *D. Wentworth*, J. P.

Denoo, a servant of Mr. Browne's (sworn on the Koran by a servant of Mr. Browne's, and holding the same in his hand during his examination),—I complain of insufficiency of food; I demanded from Mr. Ward, the superintendent of Mr. Browne's affairs, to have certain indulgences of tobacco, food, tea and sugar, for which two rupees per month were stopped from my wages; my request was refused, and I was told I might go to the governor. I had the same food as the rest; for the first month after my arrival I got rice; for the following twelvemonth I got Indian corn; then rice again for three months; afterwards wheat a sufficient quantity, but no dhol nor butter, nor any thing else. I was the herdsman; my time of service is expired, and I want to go back to India. I had a sore in my leg, and could not go to the herd; when Mr. Ward struck me, with a club, on my head, the mark of which still remains; in consequence of some person telling Mr. Browne that I was going to retaliate the blows I had received from Mr. Ward, Mr. Browne took a horsewhip, and beat me very severely, fifty lashes, and beat the jacket to pieces; after this, by a false representation of Mr. Ward to Mr. Browne, that I had suffered a cow to get into the wheat, Mr. Browne horsewhipped me first in the house, and then horsewhipped me in the fields with a chaise whip so severely, that I was laid up for four days. Another time, I was beat by Mr. Browne with a club, for allowing the cow to get away from her calf from her pen, Mr. Browne saying I was negligent in my duty and asleep. Since Mrs. Browne's arrival, whenever I have been ill, my food has been stopped; and on my asking for it, I have been told the door was open for me, and to go to the governor. I have received two bottles of rum, for which I have been charged four rupees, and which was half water.

Cross-examined by Mr. Browne.—For a twelvemonth I received no tobacco, but afterwards I received three pounds of string tobacco every two months; for the last ten months I have not received any; I received rice and flour. Mr. Ward is a decrepid man, and walks on crutches; I had a club in my hand when I went to shew Mr. Ward my wound, but I had no intention of using it; I had the stick in my hand, and I suppose the Europeans thought I would use it; I was carrying stones or bricks; the stick was down then, and I took it up when I went to shew

him

him I was beaten. I was on shore about four months when I was beaten first; the second time was about two months afterwards; the third time was about six months after that; I did not complain, because I did not know how. Mr. Browne said, "This is not your country, where you can go and complain to the governor; and "if you dare to leave my farm, I will send for you back, and the Europeans shall "give you a good flogging." Mrs. Browne appeared to conciliate the business, and said, "I have forgiven you all the offences you have committed, and I will settle "with you." I wanted to go, and Mr. Browne said, "Certainly, I will send you "home." when he knew that my agreement was up, and I wanted to go home. Some men that came with me went away, and I said, "Why am I not sent away "with them?" and Mr. Browne said he would send me in a twelvemonth. I was once in the watch-house, and brought before D. Wentworth, Esq.; it was for being out late at night with two others, one of whom, Singram, got over the wall, opened the gate, and let us in; Mr. Ward did not go with a letter in his hand from Mr. Browne, telling us that all those whose time of agreement was expired, might go home in the Mary; I had agreed to stop for a longer period, but I became dissatisfied with my situation, and I wanted to go home; I was never informed since I came to Sydney by any person in the house, that I might go home; I never was told by Mr. Browne, when I was sick here, that I might have medicine, or might be sent to Panamatta to the doctor. Mr. Browne had an hospital at his farm, and whenever we were ill we were put there, without food, and had some purgative medicine

Sworn before me, this 9th July, *Donoo*, his × mark.
(signed) *D. Wentworth*, Esq. J. P.

Phar Sing, a servant of Mr. Browne's, sworn, saith,—I came to Sydney to complain of insufficiency of food; I had the same food as the others; I had Indian corn for about ten months; then I had rice and dhol for two months; then I had wheat for about four months, then Indian corn again; I had not enough of it; I had salt, and nothing else. Mr. Browne did not ill treat me; he never beat me; I was employed fencing. I worked on Sundays. Since Mrs. Browne's arrival I had ground given me, on which I worked occasionally on Sundays. I want to go back to India; I do not know whether my time is expired or not. Three bottles of rum are charged to me, half water; it did not make me drunk; it is three months since I received Indian corn as a ration. Lutchman and myself cultivated about five bushels of Indian corn; I do not know for what period I agreed to come here, or whether I agreed at all. I know nothing of my agreement, but Mr. Browne promised me victuals and clothes and six rupees a month, and took me on board in the night. I was ill for some time, and Mrs. Browne took me into her own house, and took care of me.

Sworn before me, same day, *Phar* his × mark. *Sing*,
(signed) *D. Wentworth*, J. P.

Tong Ram, another servant of Mr. Browne's, sworn,—I complain of want of food, but I had the same as the rest. Mr. Browne ill treated me. I gave forty rupees to the parents of a girl to be my wife; when she came to me, Mr. Browne beat her; when I said to him that it was not the custom of Europeans to beat women, he left off beating her and beat me. I was fed for ten months on Indian corn, and nothing else; I used to grind it, and had enough of it. Three months I had rice and dhol, not Indian corn again nor wheat; I had four bottles of rum charged to me, eight rupees, and it was half water. My time is not expired, but I want to go back, and to take my wife with me.

Cross-examined.—My present wife was Mrs. Ward's servant, and lived within her house as a servant; I went in doors to speak respecting her, and Mr. Browne asked me if I would marry her; I said I was already married to her in India; Mr. Browne said, "I cannot let you have her, because she is unwilling to come;" but I said, "She will come, if you order her." I complained to Mr. Browne that she was free with other men, and would not come to me; she was delivered of a child about ten months afterwards.

Sworn before me, this 9th July, *Tong* his × mark *Ram*,
(signed) *D. Wentworth*, J. P.

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Durga Ram, another servant of Mr. Browne, saith,—I left five rupees per month of my wages to be paid in India to my wife; I have received the letter attached hereunto from her, marked (A.), by which I learn that about eleven months ago her allowance was stopped, and that herself and children were starving; I was fed on rice and dhol, wheat, ottar and bean, mixed with the ottar; sometimes I had enough and sometimes not; I never got it alike; never been beat or ill treated by Mr. Browne. I am a blacksmith; regularly worked every Sunday; I had no rum; my time is not expired, but I want to go home. I have no other complaint to make. Mr. Browne said he would send me home.

Sworn before me, same day,
(signed) *D. Wentworth*, J. P.

his
Durga × *Ram*,
mark.

Thaciva Doss,—I came from Sydney to complain of want of food, and of bad food; I received wheat and rice and flour, mixed with bran; Mr. Browne gave me some one day, but I threw it away; I had nothing else. Three bottles of rum charged to me, watered, two rupees a bottle. I am a carpenter; worked every Sunday; I never worked for myself; I have been beaten by Mr. Browne once in Sydney; I was beat once up at the farm, and Mr. Browne alighted from his horse, and beat me right and left; I was beat again by Mr. Browne for some irregularity in putting up a pailing, one stroke on my mouth. I know not what was in the agreement I made with Mr. Browne; he promised to use me well, and I did not care how long I stopped. This country not being fit for me, I do not wish to stay in it. I do not eat meat. I am a Hindoo; it is a long time ago since I was beaten by Mr. Browne; it is upwards of twelve months ago; I did not know who to complain to. If any person else beat me, I should complain to Mr. Browne; but when he beats me, who am I to complain to? After I signed the agreement, I was kept three days in the godown, and sent on board at night; they would not let me go to Calcutta; they kept me in the 24 purgunnahs with my wife and children, from whence I was shipped. I have received a letter, by which I have ascertained that my family are now receiving twelve rupees a month on my account.

Sworn before me, same day,
(signed) *D. Wentworth*, J. P.

his
Thaciva × *Doss*,
mark.

Chotee Luchman, another servant of Mr. Browne,—I complain of want of food; I sometimes got rice, sometimes ottar and wheat, and dhol and corn, the same as the rest; I have been ill treated while I was employed in the store; Mr. O'Brien tied a rope to me, to awake me in case of alarm; I did not like it, and objected to it; Mr. O'Brien persisted in it, and then he gave me a rope's-ending; I used to do all sorts of work for him; I got a thrashing for throwing some straw out, which offended Mr. O'Brien, in consequence of which I went up to the farm; Mr. Browne ordered me back to Sydney, but as it rained he allowed me to remain till next day; I got drunk, for which Mr. P. Browne put me for three days on short allowance; I ran away in the bush; I was not flogged for it; I have worked on Sundays for myself; if the others go home I want to go also, but if they stop I will not; I had two bottles of rum charged to me; it was watered; I have lost my caste for eating victuals of Europeans, because I could get nothing else.

Sworn before me this 9th July,
(signed) *D. Wentworth*, J. P.

his
Chootee × *Lutchman*,
mark.

Soo Cany, another servant,—I complained of want of food; I was fed on rice, dhol, Indian corn, wheat, at different times, the same as the others; this is a country for Europeans, and I want to go home, not being suited to people of my sort; I had not enough of food, of food of any kind, or I would not have complained; I was once beaten by Mr. Browne four or five strokes with a rope; I am a labourer; I used to come down every Sunday to Sydney; Mr. Browne gave me a piece of ground, but I had no benefit from it; I had two bottles of rum charged; it was watered; I know nothing of my agreement; I want to go home; I have lost my caste by eating Mr. Cornelius O'Brien's own bread on the Five Islands.

Sworn before me, same day,
(signed) *D. Wentworth*, J. P.

his
Soo × *Cany*,
mark.

Bustee Ram, another servant of Mr. Browne's,—I have been frequently beaten, and sometimes have had food, and sometimes none; Mr. Browne kicked me behind, and then made my mouth bleed; I was again beat for not bringing grass enough; my food was stopped, and I had not any for three days; I was fed on corn, flour, rice and dhol, &c. &c. at different times; I had not sufficient; I was employed setting fire to trees; I was frequently beaten; I always worked on Sunday for Mr. Browne; I was ordered to gather cow dung while I was ill of a fever, and Mrs. Browne beat me with a stick, because I did not gather enough; Mr. Browne said I was a lazy fellow, and would send me home.

Sworn before me, same day, *Bustee* × (his mark) *Ram*,
(signed) *D. Wentworth*, J. P.

Woodchub, another servant of Mr. Browne's,—I engaged with Mrs. Browne in India, in company with my wife and an assistant, as washerman; I was forced to work on board ship on the passage here as a Lascar; in consequence of Mrs. Browne not having given me the food I agreed to have, I was forced to eat with the Mahometans, and have thereby lost my caste; I agreed to work for three persons, Mrs. Browne, Miss Browne, and a child, and was promised on my arrival here I should have my wages advanced four rupees per month on account of Mr. Browne's washing, five rupees for Miss Forbes, and a further advance for the sons of Mr. Browne when they should arrive, and another advance for Mr. and Mrs. Ward and their family at their farm; two hundred pieces of calico came damaged from India in the Mary, which I was promised to be paid for washing, also for forty blankets; I have applied for payment, and have been told to ask the governor for payment, that he had no authority over him; Mr. Browne's eldest son has beat me; I have worked at chipping wood and other labourers work, and for not getting water for the kitchen Mr. J. Browne beat me, and turned myself and my wife out of doors; I had no where to go, so I went to the governor, who said there should be an investigation; after which Mrs. Browne sent for me, said, the boy has beat you, but forgive him, and it shall happen so no more. If I had known how I should have been treated, I never would have come here; I have lost my caste from the food I have been forced to eat; for the first year I received Indian corn ground and wheat flour, afterwards the flour of rotten wheat made into the bread I produced to the court; I received rice and dhol at other times; I agreed to receive twenty seer of food a month, but have only received fifteen; I agreed for ghie, salt, &c. but have received none; I agreed for seven years, but in consequence of the treatment I have received I wished to be sent back, and have my account settled; I did not wish to bring my wife here, but Mr. Browne persuaded me; we have all three lost our caste here, and shall be outcasts on our return home to India.

Cross-examined by Mr. Browne.—Mrs. Browne told me to go to the governor; she said, you may go and show your food to the governor, he is the master of thieves and rogues, and has no command over me; I have always received less than twenty seers of food.

Sworn before me, same day, *Woodchub*, × (his mark)
(signed) *D. Wentworth*, J. P.

Azeem, another servant of Mr. Browne, butler, sworn on the Koran,—I have many complaints to make of food and general treatment; I agreed to receive forty seers of flour per month, but I have only received thirty; I do not know whether it was written in my agreement that I should have fish and ghee, but it was promised to me by Mrs. Browne; the rice I have received here is generally what is given to dogs in India, and the flour is from damaged wheat. On my arrival here I was sent for some mutton; Mrs. Browne did not like it; she called me a hog, and much abused me; I was going back with it, when Mr. Thomas O'Brien, by Mr. Browne's orders, struck me several blows, and Mr. Neal O'Brien collared me, took me into the yard, where Mrs. Browne with her own hands struck me on the face; Mr. O'Brien then sent for a constable and ordered me to the watch-house, and being brought before Mr. Wentworth I was discharged; I did complain to Mr. Browne that my food was bad and insufficient; he referred me to Mrs. Browne, who told me if I did not like it to go and complain; I found my own bedding; all the rest of the servants did the same.

[Mr. Browne admits that all the complainants found their own bedding.]

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I was ordered to take care of the people, and see them do their duty; I said I was hired as butler, not as watchman; Mr. Browne took a stick, and gave me a beating; if Mrs. Browne complained, we were always beat; I was again beat by Mr. Browne on another occasion, again beaten by Mr. Browne right and left, again and again; both myself and my wife have lost our caste for dressing dog's-meat by compulsion; I was compelled to cook my victuals in the common kitchen, whereby I have also lost my caste; I complain of insufficiency of food—hunger compelled me to eat what I got; I saw Mrs. Browne put a tumbler of water into a bottle of spirits for the men; I do not know how long I agreed for, but if I had been well treated I should not have cared how long I had stopped; I want to be sent back to my own country. In addition to all these complaints, I brought my wife here under the great promises of Mrs. Browne that she would treat her as one of her own children, instead of which she has been employed in grinding grain, &c. for the use of the dungas at the farm. Mr. J. Browne threatened to beat my wife and kick her out; I complained to Mr. Browne, who bid me go to the governor, and see what he could do; if I ever received any good rice from Mr. Browne's table, Mrs. Browne said I should show it to the other servants, who would grumble; so I had no more.

Sworn before me, this 10th July, *Azeem*, his × mark.
(signed) *D. Wentworth*, J. P.

Keereim, a table waiter of Mr. Browne's, sworn on the Koran, saith,—I have to complain of bad and insufficient food. Mrs. Browne agreed, I should be her table waiter, but since I have been here, I have been put to the work of a groom and chamber maid, and cooking the dog's victuals. I have often received a thump on the face and a box on the ear, on frivolous occasions. I was once sent for by Lieutenant M'Quarie to prepare his hookah for him. I was told by the ladies to go in my cap; Mr. Browne asked me why I did so, and gave me five or six blows with his fist; I ran behind a cask, where I was so severely beaten, that two men came and lifted me up, gave me water, took me in the kitchen, and nursed me. I was so beaten, that I lay behind the cask for an hour; Mrs. Browne called out of the window, "Give the rascal two or three more kicks." Mr. Browne once gave me fifteen strokes with a horsewhip, because I did not get his breakfast ready in time; I still bear the marks; both Mr. Brownes were up at the farm, and I was ordered by Mrs. Browne to remove their chamber-pot; I refused to do so, and she made me do it, by which I have lost my caste. I applied for my provisions to the man who gives them out; he kicked me for asking for them. I came to Sydney to complain to Mr. Browne, and I was sent to the watch-house, brought before Mr. Wentworth, and by him discharged. Mr. Browne said he would investigate it; he came up, and gave the men a club to beat me with. I agreed for twenty seers of food per month; I have never received that quantity while I was in Sydney; I have received rice and ottar, but at the farm I had nothing but damaged corn; Mrs. Browne said, shall I feed these hogs upon rice; sometimes we had butter milk, but always three parts of water; Mrs. Browne said once, you hog, you give me all the little potatoes, and keep all the large ones yourself; I once received some good flour, but generally bad, I gave it to the dogs, and complained to Mrs. Browne, when she gave me some rather better; I want to go home, but if I had been well treated, I would have remained twenty years; I have been employed in mixing rum and water for the servants, and it was equal quantities of rum and water, they were charged with it.

Sworn before me, this 9th July, *Keereim*, his × mark.
(signed) *D. Wentworth*, J. P.

Thamassee, a female servant of Mrs. Browne,—I came from India with Mrs. Browne; I was the ladies dresser, worked needle work, &c.; she used to beat me most shamefully on the slightest occasion, if I forgot to do any thing; Mr. John Browne beat me twice, once with a rattan, then with his hand on my face; he cut my eye, he thrashed me on the steps; Mr. Browne never beat me here; I had as much food as I could eat, sometimes flour, sometimes rice of a bad quality, sometimes dhol, no ghee; I never got any wages nor clothes, such clothes as I had were given me by Mrs. Browne's friends, two suits of clothes; when I did not work, I got no food; I did every thing I was ordered; I was beat by Mrs. Browne at the farm

farm at the Devil's Back; I have been so long with Mr. Browne without wages, and I want some; I have been with him from my infancy.

Sworn before me, this 10th July,
(signed) *D. Wentworth*, J. P.

Thamassee, her × mark.

Gee Too, washerman's helper, sworn, saith,—I complain of general bad treatment; I have received bad and insufficient food, sometimes rice, sometimes corn, wheat, and dhol, and flour; Mrs. Browne agreed with me in India, to provide on board with Hindoo food, instead of which I was forced to eat with the Mahomedan Lascars, by which I lost my caste. I was late one night at my washing work, when I was ordered to go and chop wood; I objected to do so at so late an hour; I was threatened by Mr. J. Browne, who took me by the neck and shoved me on my face; my agreement is unknown to me; had I been well treated, I would have stopped all my life; if the governor would give me my belly full, I would work for him all my life; but I have been so ill used, I will not stop with Mr. Browne; I have complained to Mrs. Browne, who said, What of it; if you wish to complain, you may go to the governor, who is the keeper of thieves and rogues, but who has nothing to do with me.

Sworn before me, this 10th July,
(signed) *D. Wentworth*, J. P.

Gee his × mark, *Too*,

Bu Tien, cook of Mr. Browne, sworn on the Koran,—I complain of insufficient and bad food, bad bread of bran, that the dogs would not eat; no rice, nor dhol, nor ghee; I have been generally ill treated; Mrs. Browne said, I had been burning too much wood at the farm, and Mr. Browne came and gave me a second beating; I was once kicked by Mrs. Browne on the throat, the mark I now bear; I was ordered to be beat by a man who had lost his caste, which I escaped by threatening to lose my caste; I was compelled from ill treatment to eat whatever I could get, so I have lost my caste; Mrs. Browne once beat me with a rolling pin, which made my head bleed; I was only employed in my own department; I found myself in all my own things; I want to go home; I will stop with Mr. Browne no longer; I memorialed the governor, and told Mr. Browne, who said, What can he do? Mr. Browne has not settled with me; I never threatened to shoot Mr. Browne, would I dare to do such a thing.

Sworn before me, this 10th July,
(signed) *D. Wentworth*, J. P.

Bu his × mark. *Tien*,

Meer Jaun, sworn on the Koran,—I am a tailor; I complain of general bad treatment, bad and insufficient food; Mrs. Browne agreed to give me as much as I could eat; I came from India with her; she has not given me as much as I could eat; I was to have had twenty seers of food that I could eat, but I had twenty seers of what I could not eat, consequently it was not sufficient; Indian corn meal; I complained to Mrs. Browne of bad food; she said she would alter it, but she never did; I was unwell, I took a purgative; Mr. H. O'Brien wanted me to drink some salt water; I would not; he beat me severely for it; he wanted me to take some more physic; I would not, the first had worked me so; but he beat me until I did take it. Another time I wanted to come in the outer gate, Mr. Thomas O'Brien struck me with a horse whip so severely, that I should have fallen, had I not been supported; I was so insufficiently fed, that I was obliged to purchase a bag of rice at my own expense, on which I lived for a whole month; I made my complaint to Mrs. Browne; she said she would not redress me; I said I would go to the governor; she said, can the governor pull the hair off my head; he is only the keeper of thieves, and cannot interfere with me. I know nothing of the agreement I entered into, of the particulars of it; I was turned on board ship without going to the police office; I desired to be returned to my own country; I have been so ill used by Mr. Browne, I will remain no longer with him; if he would give me the best dish I could eat, I would not stop with him; this country does not suit me; I was coaxed to come here, being told that I should have all the privileges I should have in my own country; neither Mr. Browne or Mrs. Browne ever beat me; Mr. Browne has not settled with me; Mr. O'Brien beat me before the ship sailed; the last time I did not complain to Mr. Browne; why should I, he does the same; it was on St. Patrick's night when Mr. Thomas O'Brien so cruelly beat me.

Sworn before me, same day,
(signed) *D. Wentworth*, J. P.

Meer his × mark. *Jaun*,

Bengal Papers: State of Slavery in Company's Territories.

Buck Tien, a female slave of Mr. Browne's,—I have to complain of bad and insufficient food, which has ever been, without exception, of the worst quality; why should I complain of beating? It was so every day; if I was sleeping, or if I was working, I was beaten, or if eating; am I not slave? I slept in Mrs. Browne's room. All day and all night I have been occasionally employed in grinding all the food for the dunga's; only allowed to sleep from two to four; I complain of being almost without clothing; two suits of clothing a twelve-month. All the bedding that I have got is a blanket to cover myself, and Pierce, another slave girl. I have seen when Rum-de-ali served the rum to the dunga's, Rum-de-ali put water in the bottles, which was handed by me to Mrs. Browne, and she filled it up with rum. It was afterwards served out to the dunga's; I have seen it given to the dunga's by Mr. Browne. It was dark when the slave girl and myself were taken on board; I was never taken to the police office.

Sworn before me this 10th July, *Buck* her × mark. *Tien*,
(signed) *D. Wentworth*, J. P.

Pierce, the other slave girl being called, states,—That she has been also treated exactly in the same manner as the last witness.

Sworn before me this day 10th July, *Pierce*, her × mark.
(signed) *D. Wentworth*, J. P.

The two last witnesses declared themselves quite destitute of clothing; all they have on is borrowed'; they ask how are they to go away; they say they were locked in a room by Mrs. Ward the housekeeper, and prevented making their complaints.

(True copies in eight sheets.) (signed) *D. W.*
(signed) *J. F. Campbell*, Secretary.

(Copy.) June 3d, 1819.

Enclosure.

May it please your Excellency:—Humbly praying your Excellency to pardon the liberty I use in thus addressing my prayer. I anxiously desire to represent, that in Calcutta I contracted with Mr. Browne to serve him seven years in the capacity of a steward, for ten rupees per month, and victuals sufficient, and those small wages were consented to by me in consideration that my wife was to accompany me, and be clothed and fed in like manner; yet I have with great submission to complain to your Excellency, who is acquainted with the usages and customs of my country, that I am compelled to do any duty as steward, besides acting against my agreement as cook for a large family, going to market, waiting at table, cutting of wood, and miscellaneous labour about the house. I have been horsewhipped by Mr. Browne, and struck violently, so as to be very ill; when my other employments have occasioned trifling neglect in cooking, my wife has been threatened, and ordered to quit their house. On applying for the clothes promised me, I am told to go and buy them; and in brief I am used extremely ill, so that I am compelled to make this representation to your Excellency, with a view of obtaining justice, though when I said I would make complaint of my bad threatment, I was threatened and used in a worse manner.

Therefore I rely on your Excellency to take the trouble of considering my grievances, and dissolve my contract, for I am placed in a situation very irksome, and entirely different from what I engaged to perform. So that I shall be bound in duty ever to pray for the welfare and health of your Excellency.

(signed) *Ajeem*, a Steward.

Mr. Lord once or twice has relieved me from Mr. Browne's ill-treatment, and refused him consent to send me to jail.

Recommended to the consideration of the bench of magistrates.

Sydney, 7th June 1819. (signed) *L. M.*
(True copy.) (signed) *J. F. Campbell*, Secretary.

(Copy.)

N° 3. Enclosure.

To his Honour the Judge Advocate, and the worshipful the Magistrates composing the Bench, &c. &c. &c.

The Memorial of Wudchub, a washerman; Gittoo, an ironer and plaiter; Adjeem, a steward; Miajan, a tailor; Bustyram, grasscutter, waterbearer, and woodcutter; Tijua, son of Bustyram Hareem, a servant.

Most respectfully showeth,—That memorialists entered into agreements at Calcutta with Mrs. Browne, to serve her in New South Wales according to the custom

custom in Bengal, which engagements have been, on Mrs. Browne's part, broken, by requiring them to perform work at variance with their several occupations, by giving them victuals of bad quality and insufficient quantity; by withholding from them the clothes stipulated to have been given them, and by severe beatings, and other cruel treatment, some of them having been kept for days without food.

Therefore they humbly submit to your worshipful bench, that their engagements with Mrs. Brown be dissolved, and their wages paid, that they may be at liberty to return to their native country, relying on the accustomed humanity and wisdom of your worshipful bench, for such redress as justice requires.

And memorialists will, as in duty bound, ever pray.

(Copy)

To his Excellency Lachlan Macquarrie, Esquire, Captain General and Governor-in-chief in and over the territory of New South Wales and its dependencies, &c. &c.

The humble petition of Budien most respectfully showeth,—That your Excellency's petitioner arrived in this colony, per ship Mary, from Bengal, as servant to William Browne, Esq. at one pound per month, but in consequence of ill treatment, short allowance of provisions, and a deficiency of wages, petitioner has been obliged to resign his situation.

That petitioner most humbly prays, that your Excellency will consider his state, and further to allow him to proceed to his own country.

And he will for ever pray.

9th May 1819. (signed) *Budien.*

The complaint of the petitioner Budien is referred to the first bench of magistrates, who are requested to summon Mr. Browne to appear before them to answer the complaint, and to provide the petitioner with a passage back to India.

Government House, Sydney, 12th May 1819. (signed) *L. M.*

(True copy.)

(signed) *J. F. Campbell*, Secretary.

(Copy.) June 3d, 1819.

May it please your Excellency:—I humbly beg to call your Excellency's gracious attention to the hardships of my case, for which I shall feel ever grateful.

I desire to mention, that I contracted with Mrs. Browne at Calcutta, to become her servant for seven years, at the wages of sixteen rupees per month, with victuals, as much as I could consume in reason, for which I was to work as a tailor, and I have faithfully fulfilled this agreement on my part, but am induced by ill treatment thus to solicit the interference of your Excellency, whereby he hopes to obtain justice, or to have permission to return to India. I have been beaten and horsewhipped; am furnished with provisions of bad quality and insufficient quantity, so that I am almost starved. Mrs. Browne agreed to give me two ounces of ghee or butter per diem, which she never has done.

There is no one I can call a friend here, so that I rely on your Excellency to have justice done me, for I am very miserable. I shall be thankful to your Excellency during the remainder of my life. Being with all due respect, your Excellency's most humble and ever obliged servant, (signed) *Major*, a Tailor.

Your petitioner cannot presume on your Excellency's time to enter into every particulars of his hardship; but if your Excellency will hear, he will relate every particular.

Recommended to the consideration of the bench of magistrates.

Sydney, 7th June 1819. (signed) *L. M.*

(Copy.)

To his Honor the Judge Advocate, and the worshipful the Bench of Magistrates.

The humble memorial of Buckton, Pearce and Thomassia, most respectfully showeth,—That memorialists humbly desire to state to the worshipful the magistrates composing the bench, that they have been servants to Mrs. Browne for fourteen years, never having received any wages, but victuals and clothing of late very scanty, and having been severely beaten, of which they have the marks upon them, they beg to place themselves under protection of the honourable bench, who so well appreciate the value of liberty to every individual however humble.

Bengal Papers: State of Slavery in Company's Territories.

That petitioners have been recently desired by Mrs. Browne to marry one of her servants contrary to their inclination; they have been kept very hungry and ill clothed, which occasioned them to make application to his Excellency the Governor, who directed this measure to ascertain what recompence their services may be deemed worthy of, to dissolve the bond of slavery in which Mrs. Browne deems them held, in order that they may return to their native country.

And memoralists, as in duty bound, will ever pray.

(True Copy.) (signed) *J. F. Campbell*, Secretary.

(Copy.) May 31st, 1819.

May it please your Excellency:—We humbly presume to solicit your Excellency's humane consideration of our case, being strangers in this country and without any friend, or any other authority to make this application for redress.

We request your Excellency's gracious permission to state, that we are servants with Mr. Browne, and engaged at Calcutta with Mrs. Browne to wash and iron the clothes of her family for sixteen rupees a month each, with provision of equal quality and kind as is furnished in Calcutta to men of their description. This agreement was made in writing for the term of seven years, which we are willing to fulfil; but the usage we receive is so bad, that we are compelled thus to trespass on your Excellency to obtain justice, for we are compelled by violence and threats to do other work besides that agreed for, contrary to their usages in India and to the intent of their agreement. The flour is of very inferior quality, and the other provision short and bad. They are ordered to chop wood, carry water, and act as porters in the warehouse, to their great annoyance; it was promised they should have an addition of four rupees a month on their arrival here, in consideration of Mr. Browne's washing would increase their labours with a further addition of their wages, when their master's two sons should arrive from England. But, in addition to the clothes of the family, they have lately been obliged to wash two hundred pieces of damaged calico and forty blankets; they have many grievances, unnecessary to mention here; they are horsewhipped, and constantly offended with very bad language; one (the ironer, Jettoo) was put in jail, and the fees taken out of his wages. In short, we were to repeat our wish of your Excellency's interference to dissolve the agreement we made, that we may be at liberty to return to India, where we look to the Governor for redress in similar cases; or that your Excellency will be pleased to enforce the fulfilment of the agreement on the side of the master, (which will give us equal satisfaction,) agreeably to the spirit of the conditions, and the intent, we entered into the same.

Your Excellency's most obedient and most devoted humble servants,

(signed) *Wudchub*, Washerman.
Jettoo, Plaiter and Ironer.

The Governor requests the bench of magistrates will be so good as to summon Mr. Browne to appear before them, to answer to the complaint herein preferred against him by the two petitioners, his Indian servants, calling on him to treat them with more humanity and justice, or to send them back at his own expence to their native country.

Sydney, 31st May 1819. (signed) *L. M.*

N. B.—A sample of the bread issued by Mr. Browne to his Indian servants accompanies this petition. (signed) *L. M.*

(Copy.) To his Honour the Judge Advocate, and the Worshipful the Bench of Magistrates, &c.

The Memorial of Chamine Dongrine, and of Charon Munny, respectfully showeth:—

That both memorialists engaged with Mrs. Browne of Calcutta, to serve her in New South Wales, and have both been employed on Mrs. Browne's farm; but by reason of cruelty and ill usage on their mistress's part, they pray humbly, but earnestly, to be released from such agreement. The former memorialist has to complain that she was employed at field labour, such as commonly is done by men in this colony; and having been put to bed of a male infant, she was ordered to return to work by Mrs. Browne on the fifth day after the child was born Upon remonstrating that she was not sufficiently strong, Mrs. Browne withheld

withheld her victuals, thereby compelling her to go reaping wheat, the infant lying on the ground of the store-room locked up, which occasioned its death at twenty-one day's old, for want of milk.

Your memorialist, Charon Munny, has to represent amongst a continued length of ill treatment, that by having been forced to carry a large brazen vessel of great weight, she then being heavy with child, miscarried; the next day Mrs. Browne ordered her to work, such as carrying large logs and other loads.

Relying fully on the justice and humanity which distinguished every court under British administration, your petitioners submit their hardships to your consideration, should the same appear to require such redress as they ask.

And petitioners will, as in duty bound, ever pray.

Sunday, nor any day of rest, is allowed at Mr. Browne's farm.

(True Copy.) (signed) *J. F. Campbell*, Secretary.

(Copy 8.) Port Louis, 24th Oct. 1817.

The bearer, Budien, served me in the capacity of head servant during my residence in this place, upwards of three months, and at different periods on former occasions, and I always found him an honest well behaved boy.

(signed) *M'Laurin*, Lieut. 86th Regiment.

(Copy.)

Wutchub, a washerwoman; Jettoo, ironer and plaiter; in account with Mrs. Browne, (as per agreement held by her.)

			£.	s.	d.
To washing for 3 persons on passage, 4 months, at 16 rupees per month			8	–	–
To d° for same persons on arrival at Sydney, 11 months, at 20 rupees per month, (Mrs. Browne included)			27	10	–
To d° for Mrs. Browne's sister, 11 months, at 5 rupees per month			6	17	6
To d° for Mrs. Browne's two sons, 3 months, at 8 rupees per month			3	–	–
To d° for 200 pieces damaged calico, at 1 *s.* 3 *d.*			12	10	–
To d° 40 blankets			1	5	–
			59	2	6
To d° 700 pieces, at 2 *d.* per piece			5	16	8
			64	19	2
By 8 gold mohurs, at Calcutta	£. 16 – –		18	15	–
11 dollars, at Sydney	2 15 –				
		£.	46	4	2

N. B.—The above prices are Calcutta prices.

(True Copy.) (signed) *J. F. Campbell*, Secretary.

Bengal Papers: State of Slavery in Company's Territories.

(Copy.)

NAMES of 39 Persons who exhibit Complaints against W. Browne, Esq.

1. Ajeem, steward.
2. Bow, steward's wife.
3. Kareen, steward.
4. Abrajoo, tailor.
5. Wudchub, washerman.
6. Lutchwan, washerman's wife.
7. Jittoo, ironer and plaiter.
*8. Bugthin, a house girl, an orphan.
*9. Paree - - d° - - d°
*10. Tumussa, a woman servant.
†11. Maboo, male servant of all work.
†12. Joanah, - d° - - d°
13. Deenoo, field servant.
14. Keenoo - d°
15. Bowanny - d°
16. Lutchman, the elder, d°
17. Poharsing - d°
18. Singeram - d°
19. Doorga Ram (Doss), carpenter in the rough.
20. Takoori (Doss), - - - - d°
21. Lutchman, jun. carpenter.
22. Socannee, field servant.
23. Kittuah - - d°
24. Meggoo - - d°
25. Mothe Ram - d°
26. Trebun - - d°
27. Asman - - d°
27. Bahades - - d°
29. Gopall - - d°
30. Buste Ram - d°
31. Tejnah - - d°
32. Hogah - - d°
33. Gosse - - - d°
34. Chaind Munney, d°
35. Jeera - - - d°
36. Jumnah - - d°
37. Gunga - - d°
38. Chamine - - d°
39. Kethia - - d°

Females who are liable to work as men.

and

40. Bouton, a cook, now in the service of Captain Murray.

* N°s 8, 9 and 10 were brought up from infants by Mrs. Browne, and are considered to be actually slaves receiving a bare maintenance and no wages.

† N°s 11 and 12, two males purchased by Mrs. Browne, and considered slaves as the girls.

(True copy.) (signed) *J. F. Campbell*, Secretary.

12 July 1819.

ABSTRACT of the AGREEMENTS of SERVANTS brought from Bengal By Mr William Brown.

Date of Agreement.	Names, &c. of Servants.	Time to serve.	How long to be Victualled.	Wages Per Month.	Wages payable in Calcutta.	REMARKS.
1815: Dec. 1	Deenoo Dungur -	3 years	Six months per agreement	6 R^s 15/	3 R^s	1st. The food per agreement is limited to 20 seers per month, about 4lbs of rice; or
—	Kunoo ,, -	,,	,,	7 ,, 17/6	4 ,,	
—	Bowanny ,, -	,,	,,	6 ,, 15/	1 ,,	
—	Lutchman ,, -	,,	,,	6 ,, 15/	—	
1816: Oct. 1	Pahir Sing ,, -	7 years	,,	6 ,, 15/	2 ,,	
—	Singram ,, -	,,	,,	6 ,, 15/	2 ,,	
1817: Mar. 1	Megoo ,, -	,,	,,	6 ,, 15/	—	2d. Persons not performing their engagements are to pay the expense of their passage, and all losses occasioned by their neglect.
—	Dugaram ,, -	,,	always	9 ,, 22/6	5 ,,	
—	Takerdoss, carpenter	,,	,,	17 ,, 42/6	12 ,,	
—	Lutchman Dungur -	,,	6 months per verbal promise	6 ,, 15/		
—	Sookany ,, -	,,	,,	6 ,, 15/		
—	Catwa ,, -	,,	,,	6 ,, 15/		
1818: Mar. 1	Bostyram ,, -	7 to 10 years	,,	6 ,, 15/		
—	Kepyah, woman -	,,	,,	3 ,, 7/6		
—	Tejna, her son - -	,,	,,	2 ,, 5/		
—	Assamun Dungur -	,,	,,	6 ,, 15/		
—	Jurramuny Dumen -	,,	,,	3 ,, 7/6		
—	Teerboon Dungur -	,,	,,	6 ,, 15/		
—	Luccymony Dureen -	,,	,,	3 ,, 7/6		
—	Koha, her son - -	,,	,,	2 ,, 5/		
—	Gausy Dungur, boy -	,,	,,	4 ,, 10/		
—	Chundmony Dureen -	,,	,,	3 ,, 7/6		
—	Gopaul Dungur -	,,	,,	6 ,, 15/		
—	Bohadur ,, -	,,	,,	6 ,, 15/		
—	Moobyram Dungur -	7 to 10 years	6 months per verbal promise	6 ,, 15/		
—	Jurmoona Dureen -	,,	,,	6 ,, 15/		
—	Azeem Consuma -	7 to 9 years	always	10 ,, 25/		
—	Kurrune Kirmatgar -	7 to 10 ,,	,,	6 ,, 15/	3 ,,	
—	Wauchobe Doby -	7 to 10 ,,	,,	8 ,, 20/	4 ,,	To receive 1 m. 10 p. soap per annum.
—	Jeetoon - D° -	7 to 10 ,,	,,	8 ,, 20/	4 ,,	
—	Murjaun, Tailor -	7 to 10 ,,	,,	16 ,, 40/	12 ,,	
—	Budden, cook - -	7 to 10 ,,	,,	6 ,, 15/		

Note:—Persons already returned to India, and persons still adhering to their engagements, are not included above; neither are my two apprentices with whom I have no agreement but indentures in the usual form; nor the girls brought up in my family, with whom I have no agreement whatever.

Transmitted to me by Mr. W. Browne, the 30th day of June 1819. (signed) *J^{no} Wylde*, J. A.

Bengal Papers: State of Slavery in Company's Territories.

(Copy.)

ACCOUNT of BALANCES due by me to my Indian Servants, and by them to me, separately specifying the Sums I claim for Passage Money under our Agreement.

N° of Accounts.		Due by me to Servants.	Due by Servants to me.	Due for Passage as per Agreement.
1	Wauchope, washerman	- - -	3 10 -	40 - -
2	Jeeton - - d°	- - -	1 10 6	20 - -
3	Azeem Consurma	- - -	13 14 6	40 - -
4	Hurram Histmitgar	- - -	17 - -	20 - -
5	Jakoor Doss, carpenter	- - -	3 9 9	20 - -
6	Kenoo, time out	- - -	20 11 -	—
7	Lutchman, first, due by account £.1 9 11 I am willing to add 1 10 1	3 - -	—	—
8	Bowanny, due by account £.7 13 - relinquished 1 8 -	- - -	6 5 -	—
9	Denoo - d° - £.34. 7. 6. relinquished part	- - -	31 5 -	—
10	Paber Sing, time not expired £.8 12 8 relinquished 2 7 8	- - -	6 5 -	20 - -
11	Singroy	- - -	11 1 -	20 - -
12	Meegoo, due per account £.- 11 2 add - 8 10	1 - -	- - -	20 - -
13	Budden - - d° - £.1. 0. 6. relinquished	- - -	- - -	20 - -
14	Marjohn	- - -	8 10 -	20 - -
15	Catawa owes me per account £.4 12 11 relinquished - 17 11	- - -	3 15 -	20 - -
16	Soocany, owes, £.3 1 - relinquished - 11 -	- - -	2 10 -	20 - -
17	Lutchman, 2d £.14 1 3 relinquished 1 11 3	- - -	12 10 -	20 - -
18	Dugeram, due to him £.4 6 - add - 4 - Time not expired, but no charge for passage, having promised to send him home this season.	4 10 -	—	—
19	Teerboon, due to him, 5*s.* 9*d.* add 4*s.* 3*d.*	- 10 -	- - -	20 - -
20	Tejna, boy. £.1. 13. 9. add 11 *s.* 3*d.*	2 5 -	- - -	20 - -
21	Moortyrand, £.1. 3. relinquished 3*s.*	- - -	1 - -	20 - -
22	Gaussy, boy, £.2. 0. 6. add 4*s.* 6*d.*	2 5 -	- - -	13 6 8
23	Chondnony, £.1. 17. 6. add 2*s.* 6*d.*	2 - -	- - -	13 6 8
24	Assama and wife, £.1. 13. 6. add 6*s.* 6*d.*	2 - -	- - -	33 6 8
25	Gopaul, £.2. 7. less 7*s.* relinquished	- - -	2 - -	20 -
26	Bustyram, £.2. 17. 3. add 2*s.* 9*d.*	3 - -	- - -	20 -
27	Luckymoney, and Koka, her son, £3. 0. 9. say	3 2 6	- - -	23 6 8
28	Jumooma, a woman	1 15 -	- - -	13 6 8
29	Hapy-ay	1 -	- - -	13 6 8
30	Bohador, £.2. 6. 9. relinquished, 1*s.* 9*d.*	- - -	2 5 -	20 - -
		26 7 6	147 1 9	530 - -

Transmitted in Letter, dated 12th July 1819, from Mr. W. Browne.

(signed) *J. Wylde*, J. A.

Bengal Papers: State of Slavery in Company's Territories.

N° 4.

(Copy.)—To his Honour, Judge Advocate Wylde.

Sir:—As it has been declared before your honour on a late occasion, that my cooper Haniff, was stating falsehood, I beg leave to state to your honour, that I am ready to prove, by respectable witnesses, to your honour's entire satisfaction, that the said Haniff is a man of an exemplary character in every respect, and worthy to be believed, not only upon his oath, but upon his bare assertion.

My other witness, Ramdial, is less known in Sydney, but I can support his moral character also, by unexceptionable testimonies.

I have, &c.

Macquarrie Place, 18th June 1819. (signed) *William Browne.*

(Copy.)

Mr. Browne begs leave to state to his honour the judge advocate, that a gentleman has, at his request, called at Mr. Macvitie's house several times in the course of this day, and sought him in other places, but without success.

Mr. Browne being therefore apprehensive that Mr. Macvitie is not sufficiently at leisure to attend to the accounts which he has been requested by the bench of magistrates, and afterwards by Mr. Browne also to examine, and anxious to prevent, as far as he can, any further delay, requests his honour will be pleased to direct that such of Mr. Browne's servants as may be willing to settle their own accounts, may come to Mr B.'s house for that purpose.

Mr. Browne is ready, and more than willing, anxious to pay all balances and other sums due by him, whenever the persons to whom they are due respectively claim to receive them.

Macquarrie Place, 22d June 1819.

P. S.—Mr. Browne is just informed, that Mr. Macvitie will call on him to-morrow, but being also told that Mr. M. can devote but little time to this business, he still begs to submit to his honour, his opinion that those persons who are willing to settle their own accounts, should be told to do so.

(Copy.)—To his Honor, Judge Advocate Wylde.

Sir:—I have to acknowledge the receipt of your honour's favour of yesterday evening, and to thank you for having requested Mr. Macvitie to inspect my servants accounts on their behalf. I shall communicate with him on the subject immediately. Since the last time I took the liberty to wait on your honour, when I understood that a gentleman had been appointed to arbitrate between the servants and me, I have constantly staid at home in waiting for him, (a few minutes, twice or thrice excepted) to the prejudice of my most important concerns.

It appears to me expedient, that the several servants whose accounts are now ready, (a list of whose names I shall send to Mr. Macvitie) should attend him when he inspects the accounts, to acknowledge or object to the several items, which would enable me to satisfy them and Mr. Macvitie at once, or to bring forward proof of any claims that may be disputed. This I beg leave to submit to your honour's consideration.

I have, &c.

Macquarrie Place, 22d July 1819. (signed) *W. Browne.*

(Copy.)—Macquarrie Place, 24th June 1819.

To his Honour, Judge Advocate Wylde, L. L. B &c. &c.

Sir:—I informed Mr. Moore yesterday, for your honour's information, that Mr. Macvitie had attended at my house, but had not been met by either the interpreter appointed by the bench of magistrates, nor by any one of the several persons whose accounts he had been requested to examine on their behalf. Although they had been called by a constable duly authorized, and furnished with a list of their names.

That those among them who appear to lead the others, would be reluctant to settle their accounts, I expected that they must well know that they are much in my debt; but I had not anticipated that they would venture to disobey the order of the bench of magistrates, or that those who have or think they have balances in their favour, would be so far influenced by the others, as to refuse to come and receive them.

I have hitherto refrained from seeing such of my servants as are indebted to me, and have absconded, but having now reason to believe that my forbearance has encouraged them to expect that they will not only exonerate themselves from their

voluntary

voluntary engagements in regard to service, but from their pecuniary obligations also; and as the Mary's departure is fixed for the 1st April, which renders my further delay improper, I trust no impartial person can blame me for submitting my pecuniary claims on them to the proper tribunal; unless they come forward of their own accord, forthwith to settle their respective accounts, or unless the bench of magistrates will be pleased to carry into effect their humane intentions in favour of those people, which would also be very favourable to me, as it would save me much inconvenience, and perhaps expense. I have, &c.

(signed) *William Browne.*

(Copy.)—To his Honour John Wylde, Esq. L. L. B. Judge Advocate, &c.

Sir:—I beg leave to call to your honour's recollection, that it was asserted before a bench of magistrates, in which your honour presided, that I had unlawfully and clandestinely brought or caused to be brought, my Indian servants from Calcutta, and that I then contradicted that assertion, which I now declare to be utterly false and unfounded, and I verily believe, malicious.

I did not intend to trouble your honour on this subject until very lately, when I was informed that (to my no small surprise) the assertion above alluded to, had made some impression unfavourable to me, on the minds of many whom I had considered too well informed regarding the government of British India, to admit even the possibility of such a transaction.

I now feel it necessary to request your honour will be pleased to afford me an opportunity of bringing evidence, now fortunately in this part of the colony, to prove the falsehood of the above assertion, and that my servants came from India as legally and as regularly as myself or any other gentleman who has arrived here from Calcutta. The captain (B. Orman) who commanded the ship which brought them, the pilot (Mr. John Watts) who had charge of the ship to sea on one occasion, and Mr. Thomas O'Brien, the principal witness to their voluntary agreements publicly made, are all within your honour's jurisdiction now, but will not long remain here. I do therefore hope, or rather confidently expect, that your honour will be expected to call them before you, or condescend to notify to me, that you are satisfied that there exists no ground whatever for the assertion before mentioned.

I have, &c.

Macquarie Place, June 28th, 1819. (signed) *W. Browne*

(Copy.)—Judge Advocate's Office, Sydney, 29th June 1819.

Sir:—I beg leave to acknowledge the receipt of your letter of yesterday, but in respect of which, as involving altogether matter of private interest or peculiar jurisdiction, it is impossible for me duly to exercise any summary jurisdiction of examination or proceedings. With regard to the peculiar circumstance referred to, I have certainly no knowledge, nor am I aware that any question can be determinately raised upon the point but in India, where it may perhaps be a subject of public provision and restriction. I have, &c.

(signed) *W. Wylde*, Judge Advocate, N. S. W.

Wm Browne, Esq. Macquarie Place, Sydney.

(Copy.)

Mr. Browne will, with much pleasure, furnish his honour the judge advocate with the authenticated abstract mentioned in his honour's note of this date just received, as soon as he can prepare it.

Macquarie Place, 30th June 1819.

(Copy.)—To his Honour Judge Advocate Wylde, &c.

Sir:—I have now the pleasure to furnish your honour with an abstract of the balances due by me to my Indian servants, and by them to me, and would most gladly have sent it to you much sooner had it been possible for me to have got it ready, engaged as I have been, to your knowledge and otherwise.

As your honour sometime ago directed me not to pay any balances due by me to these men to themselves, but to your honour, I now send Mr. John Browne, to pay your honour or them, as you may direct, the sums I owe them respectively, suspending for the present my claims arising from their breach of agreement.

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I beg leave to state to your honour, that I expect the ship Mary will be cleared from the secretary's office this morning, and that I am ready to put on board that ship such of my servants whose time is expired, together with their provisions; and as I have now no communication with such of them as have complained of me, and your honour has informed me that they are under the protection of the Crown.

I have to request that your honour will be pleased to order them to avail themselves forthwith of this opportunity. As it is your honour only who has hitherto communicated with me respecting these people, I cannot but consider this, together with my public advertisements in the Sydney Gazette, and the notices I have given and caused to be given to themselves sometime before they quitted my service, as sufficient notice to them, and if they do not avail themselves of this opportunity of returning to their country, I shall not deem it incumbent on me to furnish them with a passage any other time at their pleasure.

The persons having complained of me who are entitled to a passage on the Mary by agreement, are Kenoo, Denoo, Bowanny and Lutchman 1st; Dugaram is also entitled to return on the Mary, as I promised last year that he should.

I have, &c.

Sydney, 12th July 1819. (signed) *W. Browne.*

To J. F. Campbell, Esq. Secretary to his Excellency the Governor in Chief of New South Wales.

N° 5. Sir:—I am directed by the Most noble the Governor General in council, to acknowledge the receipt of your dispatch, under date the 29th of July, with its enclosures, containing detailed information relative to the natives of Bengal, who have lately returned to this presidency from New South Wales.

It does not appear to the Governor General in council to be necessary to pursue the investigation any further at this presidency regarding the persons in question, but precautions will be adopted with the view of preventing the future embarkations of people of that description for New South Wales, without adequate security for their good treatment from the individuals who may engage their services.

I have, &c.

(signed) *C. Lushington.* Secretary to Government.

Fort William, 30th October 1819.

The following letter was ordered to be addressed to the magistrates of the town of Calcutta.

To the Magistrates of Calcutta.

N° 6. Gentlemen:—Detailed information having been received from New South Wales relative to the natives of Bengal, concerning whom your report was requested in my letter of the 1st instant, I am directed to inform you that it does not appear necessary to pursue the investigation any further at this presidency. You are authorized to distribute the sum of 200 rupees on account of government among the persons in question, and precautions will be adopted with the view of preventing the future embarkation of people of that description for New South Wales, without adequate security for their good treatment from the individuals who may engage their services.

I have, &c.

(signed) *C. Lushington,* Secretary to Government.

Council Chamber, 30th October 1819.

Extract, Bengal Public Consultations, 5th May 1820.

Secretary, New South Wales, to C. M. Ricketts, Esq. Chief Secretary to Government, Fort William, Bengal.

Secretary's Office, Sydney, New South Wales, 4th January 1820.

N° 5. Sir:—Under dates the 23d and 29th July last, I had the honour of addressing you on the subject of several natives of Bengal having been brought to this country, and afterwards cruelly treated, and finally abandoned by Mr. William Browne, who came from Calcutta to reside here a few days ago. By the present occasion I transmit you copies of those letters, and with them the originals of the memorials and examinations taken before a bench of magistrates, the copies of which accompanied my

my letter of the 29th of July, with various other documents of accounts, &c. I also forward you the copy of a letter addressed by me to the honourable the judge advocate of this territory, conveying to him the desire of the Governor, that the necessary legal measures should be taken against Mr. Browne for the recovery of the amount of the weighty expenditure that the government went to in order to support and provide those Indian servants with a passage back to their native country.

In consequence of the instructions conveyed in my letter of the 21st of August last to the judge advocate, I am now to communicate to you, for the information of the Most noble the Governor General in council, that an action was brought in the supreme court against Mr. Browne, to recover the expenditure which this government had made, in support of his Indian servants, and for their passage back to Calcutta. Owing to some informations or want of certain required documents, the court thought fit to give a verdict in favour of Mr. Browne, whereby the weighty expenses incurred remain fixed on this government to an amount exceeding the sum of 386 *l.* 3 *s.* independent of the weighty costs of suit.

His Excellency the Governor was advised to appeal from the decree so pronounced by the supreme court; but from the consideration that such appeal must have necessarily come before himself, he being the judge of the court of appeals, was induced, from a feeling of the delicacy of his acting or pronouncing a decree in a case, when he was himself the appellant, declined prosecuting the measure any further, and thus the matter rests.

The Governor feeling however the hardship of this government being exposed to such an expense, is still willing to entertain the hope that the Governor General in council will be enabled to adopt such measures against Mr. Browne, for having clandestinely conveyed natives of India to this place, as will cause him to repay the outlayings already complained of. With this view I have now the honour to transmit herewith a copy of the appeal which his Excellency's law adviser had drawn up, for the purpose of its being brought before the court of appeals here, if his Excellency had pleased to sanction that measure, and which will shew the grounds on which his Excellency's counsel considered the verdict of the supreme court worthy of reversal.

I have the honour to be, Sir, your obedient servant,

(signed) *J. F. Campbell*, Secretary to the Government, New South Wales.

(Copy.)

The Honourable Judge Advocate Wylde, &c. &c. &c.

Secretary's office, Sydney, 21st August 1819.

N° 6.

Sir:—I have the honour to accompany this with various letters, memorials, depositions, accounts, &c. as per schedule also herewith, in the business of Mr. Browne and his late servants, natives of India, whom this government has at its own present expense provided with passage to their native country; and I have to convey to you the request of his Excellency the Governor, that you will give the necessary instructions to the solicitor for the crown to sue for and recover, with the least possible delay, from Mr. Browne, the amount of the said passage money, together with the subsistence money furnished those natives, by order of the bench of magistrates, referring Mr. Solicitor Wylde to the treasurer of the police fund for the total amount of the sums.

I have the honour to be, &c. &c.

(signed) *J. F. Campbell*, Secretary.

N° 7.

In the High Court of Appeal:—Between his Excellency Lachlan Macquarie, Esq. Captain General and Governor in Chief in and over His Majesty's territory of new South Wales and its Dependencies, Appellant, *and* William Browne, Esq. Respondent.

The Appeal of the Appellant, filed 22d September 1819.

The appeal of his said Excellency Lachlan Macquarie, Esq. who sued and appeals as Captain General and Governor in Chief in and over His Majesty's territory of New South Wales and its dependencies, against the verdict given in the Supreme Court of Civil Judicature in and for the said territory of New South Wales, on the 14th day of September 1819, in a cause then and there depending in an action of

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trespass on the case, to the damage of the said Lachlan Macquarie, Esq. as such captain general, &c. as aforesaid, of 1,000*l.* In which cause, said appellant, as such captain general, &c. as aforesaid was the plaintiff and said William Browne, of Sydney, merchant, was the defendant.

The appellant most humbly shows to your Excellency, that the plaint in the said action was filed in the said supreme court in the third term in the year of our Lord 1819, and was to the tenor and effect following (to wit): New South Wales to wit. Third term in the year of our Lord 1819. His Excellency Lachlan Macquarrie, Esq. captain general and governor-in-chief in and over His Majesty's territory of New South Wales and its dependencies, by Thomas Wylde, his attorney, complains of William Browne, of Sydney, in the said territory, merchant, in a plea: For that whereas the said William Browne heretofore to wit, on the 1st day of August in the year of our Lord 1819, by the permission of his said Excellency Lachlan Macquarie, Esq. so being such captain general and governor-in-chief as aforesaid, and on the undertaking of the said William Browne hereinafter mentioned, landed from the harbour of Sydney Cove at and into Sydney, in the said territory of New South Wales, thirty-nine persons of and from India (to wit), Ajeem, Karums, Meajon, Wudchumb, Jittoo, Maboo, Toanah, Deenoo, Keenoo, Bowannee, Lutchman (the elder), Parharsing, Sinjerams, Doorgo Ram (Doss), Takoor (Doss,) Lutchman (the younger), Soccannee, Kettuah, Meggoo, Mothe Ram, Tuburns, Asman, Bahadar, Gopall, Bustee Ram, Tejnah, Cokah, and Gossee, as also Bon Brigthen, Paree, Tumassah, Chaund Munny, Jeera, Jummah, Gunga, Charmine and Kethia, the said several persons being all natives of India, and before then hired by the said William Browne in India, to come to this territory in the service and employment of him the said William Browne; and the said Ajeem, Karums, Meajore, Wudchub, Jittoo, Mabor, Toannah, Deenoo, Keenor, Bowannee, Lutchman (the elder), Parharsing, Singerams, Doorga Ram (Dass), Takoor (Dass), Lutchman (the younger), Soccannee, Kettuah, Meggoo, Mothe Ram, Tuburns, Asman, Bahadar, Gopall, Bustie Ram, Tejnah, Cokah and Gossee, as also Bon Bergthin, Paree, Tumassah, Chand Munny, Jeera, Junmah, Gunmah, Chamine and Kethia, did respectively engage, promise and agree to and with the said William Browne, that on their arrival in the said territory of New South Wales, they would well and faithfully serve and perform their duties as servants to the said William Browne, according to their respective characters and capacities, until legally discharged from their several servitudes according to law, and the several agreements they had entered into touching such several servitudes; and the said William Browne, in consideration of such several servitudes, had severally promised and agreed to and with each of them the said Ajeem, Karums, Majon, Wudchub, Jittoo, Maboo, Toanah, Denoo, Keenoo, Bowannee, Lutchman (the elder), Paharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccannee, Kelluah, Meggoo, Mothe Ram, Tubun, Asman, Bahadar, Gopall, Bustee Ram, Tejurah, Cokah and Gossee, as also Bon Bugthin, Paree, Tamassah, Chound Munny, Jeerah, Jummah, Gunga, Charmine and Kethia, that he the said William Browne would, for and during the term of their said several servitudes, comfortably and sufficiently feed, clothe and lodge the said several persons so engaged and hired in India by the said William Browne, to come to this territory and there serve said William Browne, as such servants as aforesaid, for and during all the terms or times of their respective servitudes, and at the expiration of the respective terms of their said servitudes would, at his own costs and charges, find, provide and procure a comfortable and proper passage for them, said Ajeem, Kareem, Wreajon, Wudchut, Jitto, Maboo, Toanah, Denoo, Kenoo, Bowannee, Lutchman (the elder), Parharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccannee, Ketterah, Meggoo, Mothe Ram, Tubun, Asman, Bahadar, Gopall, Bustee Ram, Tejuah; Cokah and Gossee, as also, Bon Bugthin, Paree, Tumassah, Chand Munny, Jeera, Jumnah, Gunga, Chamine and Kethia, from this territory back to India: And the said William Browne, in order to obtain the permission of the said Lachlan Macquarie, as such Captain General as aforesaid, and at and before the landing of the said beforementioned several persons, natives of India as aforesaid, into this territory, did promise and undertake to and with the said Lachlan Macquarie, Esq. Governor, &c. as aforesaid, that he the said William Browne would well and truly save harmless and keep indemnified the said Lachlan Macquarie, Esq. as such Captain General, &c. as aforesaid, and all other His Majesty's officers holding official situations in or about the government of His Majesty's said colony of New South Wales and its dependencies, from all damages, costs, charges and expenses whatsoever,

ever, which should or might be sustained or incurred for or by reason or means of the providing food, clothing and lodging of or for all and every of the beforementioned persons, servants of said William Browne, or arising from or on account of their transhipment and passage from this territory back to India at the expiration of their said several servitudes; but the said William Browne, not regarding his said promises and undertakings so by him made as aforesaid, but contriving and fraudulently intending craftily and subtily to deceive and defraud the said Lachlan Macquarie, Esq. Captain General, &c. as aforesaid, has wholly neglected to provide proper and sufficient food, clothing and lodging for them the said Ajeem, Karum, Meajon, Wudchub, Jitto, Maboo, Toanah, Denoo, Kenoo, Bowannee, Lutchman (the elder), Parharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccannee, Kelluah, Meggoo, Mothe Ram, Tubun, Asman, Bahadar, Gopall, Bustee Ram, Tijurah, Cokah and Gossee, as also, Bon Bugthin, Parée, Tumassah, Chaund Munny, Jeera, Jumnah, Gunga, Chamine and Kethia, whereby the said several persons aforesaid, natives of India as aforesaid, were under the absolute and unavoidable necessity of wandering up and down in great distress and misery; he, the said William Browne having not thus wholly failed in providing proper and sufficient food, clothes and lodgings for the said several persons aforesaid, natives of India as aforesaid, but having also cruelly, wantonly and inhumanly beaten and ill-treated divers of them the said several persons aforesaid, natives of India as aforesaid, whereupon they the said several persons aforesaid, natives of India as aforesaid, being thus situated as aforesaid, applied to his Excellency the said Lachlan Macquarie, Esq. Captain General as aforesaid, that he the said Lachlan Macquarie, would afford them proper and sufficient food, clothes and lodging, and grant them such other relief as in their several and respective necessities they might require: And the said Lachlan Macquarie, Esquire, governor, &c. as aforesaid, upon such the application of the said several persons aforesaid, natives of India as aforesaid, did refer such their complaints and grievances to be considered of and investigated by a special bench of magistrates, which said complaints and grievances so made to him said Lachlan Macquarie, Esq. by them the said several persons, natives of India as aforesaid, were duly taken into consideration and fully investigated by and before John Wylde, Esq. the honourable the judge advocate of the said territory of New South Wales, D'Arcy Wentworth, Esq. superintendent of police of the territory aforesaid, Simeon Lord and Richard Brooks, Esqrs. being severally justices of our Sovereign Lord the King, and composing the special bench of magistrates assembled for such purpose, to wit, at Sydney aforesaid, in the territory aforesaid; which said justices, so composing such special bench of magistrates as aforesaid, having inquired into, examined and considered the said complaint and matters of grievance so made by the said several persons aforesaid, natives of India as aforesaid, discharged the said several persons aforesaid, natives of India as aforesaid, respectively from their said several employments in the service of the said William Browne, as expressed by them in a certain order made by them the said special bench of magistrates aforesaid, to the said Lachlan Macquarie, Esq. in the words following; that is to say,—New South Wales. Whereas complaint hath been made unto us the Honourable John Wylde, Esq. judge advocate of this territory, D'Arcy Wentworth, Esq. Simeon Lord and Richard Brooks, Esqrs. justices of the peace in and for the said territory, upon the oaths of Bowannee, Lutchman, Keenoo, Deenoo, Pharsing, Sing Ram, Durga Ram, Thacova, Lutchman (the younger), Toocany, Bustie Ram, Wodchut, Azeem, Keevim, Thomassee, Gee Too, Buteen, Meenjaim, Buck Tien and Peerce, natives of India, servants and labourers in the said territory, that some time since they the said Bowannee, Keenoo, Deenoo, Pharsing, Singram, Durga Ram, Thacriva, Lutchman (the younger), Toocany, Bustee Ram, Wodchub, Azeem, Keerien, Thanassee, Gee Too, Buteen, Meerjaun, Bucklien and Pierce, with other Asiatic natives, were hired by and entered into the service and employment of William Browne, of Sydney, in the territory aforesaid, for certain respective times and periods, and that they, together with other Asiatic natives as aforesaid, did enter upon and afterwards, until presentment of this complaint, continue in the said service and employment; and that during the said service they and other the Asiatic natives as aforesaid, in the said service, have been greatly misused, refused necessary and proper provisions and otherwise ill-treated: And whereas it hath been duly proved on oath before us, that they the said Bowannee, Lutchman, Keenoo, Deenoo, Pharsing, Sing Ram, Durga Ram, Thacwa, Lutchman, Tocanny, Bustee Ram, Woodchub, Azeem, Keena, Thamassee, Gee Too, Boteen, Mojaum, Buck Tien and Pierce; as

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also all the servants, natives of India as aforesaid, and in the said service and employment of the said William Browne, have been misused as to inadequate and very insufficient wages for due maintenance and support in the country, and otherwise insufficiently and ill-fed, unduly worked, greatly aggrieved and unjustly treated in said service and employment of the said William Browne, We do therefore hereby order, in pursuance of the statute in that case made, that they the said Azeem, Bord, Kareem, Undchub, Meagon, Lutchmeen, Jettoo, Bughtee Deenoo, Keenoo, Bowannee, Lutchman (the elder), Tubun, Asman, Bahadoo, Bustee Ram, Tejuah, Cojah, Gassee, Chauna Munnee, Jeera, Jumna, Gunga, Chamiere, Kethien and Betoon be discharged, and we do hereby discharge them from the service and employment of him the said William Browne.

Given under our hands and seals, this 12th day of July 1819.

(signed) *John Wylde*, Judge Advocate, New South Wales, (L. S.)
D. Wentworth, J. P. (L. S.)
S. Lord, J. P. (L. S.)
Richard Brooks, J. P. (L. S.)

And the said Lachlan Macquarie, Esq. after the receipt by him of such order, so made as aforesaid by the special bench of magistrates as aforesaid, taking into consideration the state of absolute want and distress in which the said several persons, natives of India as aforesaid, were placed by the total failure of him the said William Browne to provide them the said several persons as aforesaid, natives of India as aforesaid, with proper and sufficient food, clothing and lodging, and the cruelty and severity with which he the said William Browne had treated them the said several persons, natives of India as aforesaid, he the said Lachlan Macquarie, Esq. found himself under the absolute and unavoidable necessity of causing certain large sums of money, to wit, to the amount of the sum of five hundred pounds, to be issued from the colonial police fund of this territory to and for the use of the said William Browne, in supplying them the said several persons, natives of India as aforesaid, with proper and sufficient food, clothing and lodging.

And the said Lachlan Macquarie, Esq. governor as aforesaid, in consequence of the total failure of him the said William Browne to find, provide and procure comfortable and proper passage for them the said several persons aforesaid, natives of India as aforesaid, from this territory back to India, and in furtherance of the orders so made by the justices composing the said special bench of magistrates as aforesaid, was under the absolute necessity of causing certain or large sums of money, to wit, the sum of five hundred pounds, to be advanced from the colonial police fund of this territory, to and for the purpose of procuring for each of them the said several persons, natives of India as aforesaid, a proper and sufficient passage from this territory back to India, in a certain ship or vessel called the Mary, whereof Orman was the master.

And the said appellant avers, that the said Ajerm, Karun, Meajon, Woodchub, Jettoo, Maboo, Joanah, Deenoo, Keenoo, Bowannee, Lutchman (the elder), Pharsing, Singram, Doorga Ram (Doss), Takoor (Doss), Lutchman the younger, Socannee, Kettnah, Meggoo, Mothe Ram, Tubrun, Osman, Bahadar, Gopall, Mustee Ram, Tejuah, Cokah, and Gossee, as also Bon, Bugthin, Paree, Tumassah, Chund, Munny, Jeera, Jumnah, Gunja, Chamene, and Kettea, natives of India as aforesaid, were in the utmost state of want and distress, and totally destitute of all means of subsistence and support, and each of them respectively deprived of the means of procuring passages from this country back to India; in consequence whereof the said Lachlan Macquarie, Esq. found it necessary to advance from the colonial police fund of this territory the said sum of 1,000 *l.* to and for the said William Browne, who became indebted to the said Lachlan Macquarie, Esq. in the said sum of 1,000 *l.* for so much money by the said Lachlan Macquarie, Esq. governor, &c. as aforesaid, paid, laid out and expended to and for the use of the said William Browne in manner aforesaid; and being so indebted, he the said William Browne, in consideration thereof, afterwards, to wit, on the same day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, undertook, and then and there faithfully promised the said Lachlan Macquarie, as captain-general and governor as aforesaid, to pay him the said sum of money last mentioned whenever he should be thereunto afterwards requested.

And whereas the said William Browne heretofore, to wit, on the day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, did land at, in and upon

this

this territory, to wit, at Sydney aforesaid, in violation of the laws and colonial regulations of this territory, other thirty-nine persons, which he the said William Browne caused to be brought from India, or other parts out of the jurisdiction of this territory, to wit, the persons following; Ajeem, Karum, Meajon, Undchumb, Jettoo, Maboo, Toonah, Dienoo, Keenoo, Bowannee, Lutchman (the elder), Parharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccanee, Kellaah, Meggoo, Mothe Ram, Tuban, Asman, Bahadar, Gopall, Bustee Ram, Tejnah, Cohab, and Gossee, as also Bon, Bugthen, Paree, Tunnussah, Chaund Munny, Jeera, Jumnah, Gunga, Chamine, and Kethea; the said several persons being all natives of India, or some other part of Asia, and had been before then hired and engaged by the said William Browne in India, or some other part of Asia, to come to this territory as servants to the said William Browne, and to be employed in the service of him the said William Browne at Sydney aforesaid, in the territory aforesaid: And the said William Browne having so landed them the said several persons, natives of India as aforesaid, illegally and in direct violation of the ordinances, rules, laws and colonial regulations of this territory, he the said William Browne rendered himself amenable to pay and defray and hold the said Lachlan Macquarie, captain-general and governor-in-chief as aforesaid, harmless and indemnified from and against all and all manner and every such costs, charges and expenses as might arise or be sustained in consequence of the said Ajeem, Karum, Meajon, Wudchub, Jittoo, Maboo, Toanah, Deenoo, Keenoo, Bowannee, Lutchman (the elder), Parhasing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Socconnee, Kellnah, Meggoo, Mothe Ram, Tubun, Asman, Bahadar, Gopall, Bustee Ram, Tejnah, Cohah and Gossee, as also Bon, Brigthin, Paree, Tumassah, Chand Munny, Jeera, Jummah, Gunga, Charine and Keetha, natives of India as aforesaid, ever eventually becoming chargeable, as producing any expense to the colonial funds of this territory.

But the said William Browne not regarding his said liabilities, to which he had rendered himself amenable as aforesaid, but contriving and fraudulently intending craftily and subtily to deceive and defraud the said Lachlan Macquarie, Esq. captain-general and governor-in-chief as aforesaid, wholly neglected to provide proper and sufficient food, clothing and lodging, for the said Ajeem, Karum, Meajon, Wudchub, Jittoo, Maboo, Toanah, Deenoo, Keenoo, Bowannee, Lutchman (the elder), Pharsing, Singeram, Doorga Ram (Doss), Takoor (Doss), Lutchman (the younger), Soccanee, Kellnah, Meggoo, Mothe Ram, Tubrun, Asman, Bahadar, Gopall, Bustee Ram, Tejurah, Cohab and Gossee, as also Bon, Brigthin, Paree, Tumassah, Chand Munny, Jeera, Jumnah, Gunja, Chamine and Kethea, whereby the said several persons, natives of India as aforesaid, were under the absolute and unavoidable necessity of wandering up and down in great distress and misery, he the said William Browne having not only thus wholly failed in providing proper and sufficient food, clothing and lodging, for the said several persons aforesaid, natives of India as aforesaid, but having also cruelly, wantonly and inhumanly beaten and ill-treated divers of them the said several persons aforesaid, natives of India as aforesaid; whereupon they the said several persons aforesaid, natives of India as aforesaid, being thus situated as aforesaid, were each and every of them respectively discharged by John Wylde, Esq. the honourable the judge advocate of the said territory of New South Wales, D'Arcy Wentworth, Esq. superintendent of police of said territory, Simeon Lord and Richard Brooks, Esquires, justices of the peace of our Sovereign Lord the King, from their several and respective services as servants of the said William Browne.

And the said Lachlan Macquarie, Esq. &c. avers that, taking into consideration the state of absolute want and distress in which the said several persons, natives of India as aforesaid, were placed by the total of failure of him the said William Browne to provide them the said several persons aforesaid, natives of India as aforesaid, with proper and sufficient food, clothing and lodging, and the cruelty and severity with which he the said William Browne had treated them the said several persons, natives of India as aforesaid, and their discharge in consequence thereof from the service of the said William Browne by the justices aforesaid, he the said Lachlan Macquarie found himself under the absolute necessity of causing, and did cause certain large sums of money, to wit, certain sums of money to the amount of the sum of 500 *l.* to be issued from the colonial police fund of this territory, and by him the said Lachlan Macquarie, Esq. to and for the use of the said William Browne, in supplying them the said several persons, natives of India as aforesaid, with proper and sufficient food, clothing and lodging for and until a proper passage

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could be procured for each of them the persons aforesaid, natives of India as aforesaid, back from this territory to India as aforesaid.

And of also concerning certain other large sums of money, to wit, the sum of 500 *l.* to be advanced from the colonial police fund of this territory, to and for the purpose of providing the said several persons, natives of India as aforesaid, proper and sufficient passage back to India, in a certain ship or vessel called the Mary, whereof Orman was the master; whereby the said William Browne became indebted to the said Lachlan Macquarie in the said sum of 1,000 *l.* for so much money by the said Lachlan Macquarie, Esq. as governor, &c. as aforesaid paid, laid out and expended to and for the use of the said William Browne in manner aforesaid; and being so indebted to the said William Browne, in consideration thereof, afterwards to wit, on the same day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, undertook and then and there faithfully promised the said Lachlan Macquarie, Esq. governor, &c. as aforesaid, to pay to him the said sum of money whenever he should be thereunto afterwards requested.

And whereas the said William Browne heretofore, to wit, on the day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, was indebted to the said Lachlan Macquarie, Esq. in the further sum of 1,000 *l.* of lawful money of Great Britain, for so much money paid, laid out and expended by the said Lachlan Macquarie, governor, &c. as aforesaid, to and for the use of the said William Browne, and at this special instance and request, in providing food, raiment and lodging for 39 persons, to wit, Azeem, Karrum, Meajon, Wadechub, Jittoo, Maboo, Joannah, Deenoo, Keenoo, Bowannee, Lutchman (the elder), Parharsing, Singeram, Doorga Ram (Doss,) Takoor (Doss,) Lutchman (the younger,) Soccannee, Kettuah, Meggoo, Mothe Ram, Tejuah, Cokah and Gossee, as also Bon Bugthen, Paree, Tumassah, Chaund Muney, Jeera, Jummah, Gunga, Chamine and Kethia, natives of India as aforesaid, brought to this colony by the said William Browne from India and other parts beyond the seas; and being so indebted, he the said William Browne, in consideration thereof afterwards, to wit, on the same day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, undertook and then there faithfully promised the said L. Macquarie, Esq. governor, &c. as aforesaid, to pay to him the said sum of money last mentioned whenever afterwards he the said William Browne should be thereunto requested: And whereas also the said William Browne afterwards, to wit, on the same day and year last aforesaid, at Sydney aforesaid, in the territory aforesaid, accounted with the said L. Macquarie, Esq. of and concerning divers other sums of money from the said William Browne to the said Lachlan Macquarie, Esq. before that time due and owing, and then there being in arrear and unpaid upon that account, the said William Browne was then and there found to be in arrear and indebted unto the said Lachlan Macquarie, Esq. in the further sum of 1,000 *l.* of like lawful money, and being so found in arrear and indebted as aforesaid, the said William Browne, in consideration thereof afterwards, to wit, on the same day and year aforesaid, at Sydney aforesaid, in the territory aforesaid, undertook, and to the said Lachlan Macquarie, Esq. then and there faithfully promised, to pay to him the said sum of money last mentioned whenever afterwards he the said William Browne should be thereunto requested; nevertheless the said William Browne his said several promises and undertakings aforesaid in form aforesaid made, not regarding, but contriving and fraudulently intending, craftily and subtily to deceive and defraud the said Lachlan Macquarie, Esq. in this respect, hath not yet paid the said several sums of money, or any of them, or any part thereof, nor in any manner satisfied him for the same, although so to do the said William Browne afterwards, to wit, on the same day and year aforesaid, and often afterwards, at Sydney aforesaid, in the territory aforesaid, by the said Lachlan Macquarie, Esq. was requested; but to pay the same to the said Lachlan Macquarie, Esq. or in any manner to satisfy for the same to the said William Browne hath hitherto altogether refused, and doth still refuse, to the damage of the said Lachlan Macquarie, Esq. of 1,000 *l.* and therefore he brings his suit; and afterwards, to wit, in the said third term, in the year aforesaid, the said William Browne, by James Norton his attorney, filed his plea in the words following, *viz.* and the said William, by James Norton his attorney, comes and defends the wrongs and injury, when, &c. and says, that he did not undertake and promise in manner and form as the said Lacklan Macquarie, Esq. governor, as aforesaid, hath above thereof complained against him; and of this he puts himself upon the honourable court, and the said Lachlan Macquarie, Esq. governor, &c. as aforesaid, doth the like.

Therefore to try the same issue above joined between the parties, the court was respited

respited between the said Lachlan Macquarie, Esq. so being such governor, &c. as aforesaid, plaintiff, and the said William Browne, defendant, until the 18th day of September 1819, unless Barron Field, Esq. judge of the said supreme court, and other the justices members of the said court shall first come on Tuesday the 14th day of September aforesaid; the same day is given to the same parties to be there.

Afterwards, at the day and year, and at the place there within contained, before the Honourable Barron Field, Esq. judge of the supreme court within mentioned, John Piper and John Harris, Esqrs. members of the said court, came as well as the said Lachlan Macquarie, Esq. so being such governor, &c. as aforesaid, as the said William Browne, by their respective attornies, whereof mention is there within made, and the court being assembled and sworn to speak the truth of the matter within contained, say, upon their oath, that the said William Browne did not undertake and promise in manner and form as the said Lachlan Macquarie, Esq. governor, &c. as aforesaid hath there within in pleading alleged, therefore, &c.

By which said verdict and judgment, the said Lachlan Macquarie, Esq. as such governor, &c. as aforesaid, is aggrieved by the said judgment so given and pronounced by the said supreme court, and doth appeal therefrom in terms of the patent, and thereupon that process of summons may be issued to said William Browne to answer such appeal, and the like process of execution as the said supreme court is by the said letters patent directed and empowered and ought of right to issue.

And for causes of appeal the said appellant so being such governor, &c. as aforesaid, sheweth, and (among other causes and matter) the causes and matter following; that is to say, that the said supreme court ought to have given a verdict for the said appellant, as such governor, &c. as aforesaid against the said respondent, and assess his damages in the sum of 386*l.* 3*s.* being the amount of monies paid for the subsistence of the said Indian natives as above in pleading alleged, and for the passage of the said Indian natives, the late servants of the said William Browne, to Calcutta. And as to the truth of the matters aforesaid, the appellant, as such governor, &c. as aforesaid, also sheweth, that on the trial of the said cause in and before the said supreme court, the appellant so being such governor, &c. as aforesaid, gave in evidence that the said Asiatic servants had been brought from Calcutta to this colony by and as servants of the respondent William Browne, most generally under agreements made between them as stated in the pleading in the said cause, and particularly on the term that as soon as the terms of durance of the said Asiatic servants had expired, that he the respondent would find and provide them with a proper passage back to Calcutta; and that the said respondent having, from the causes stated in the pleadings, neglected to perform his part of the said agreement, they, the said Asiatic servants, had made complaint to the appellant to bring such governor, &c. as aforesaid for relief in the premises. The appellant, as such governor, &c. as aforesaid, further gave in evidence that in pursuance of the abovementioned discharge and report, and of the said respondent William Browne having refused to find and provide his said Asiatic servants, natives of India, with sufficient or any food, raiment or other necessaries, or a passage back from this territory to Calcutta, the said appellant, as such governor, &c. as aforesaid, paid or caused to be paid by the police fund 63*l.* 10*s.* for the subsistence, and 322*l.* 10*s.* for the passage to India of his said, consisting of thirty-nine natives Asiatic servants of the said respondent William Browne: That the respondent was always present during the investigation by these magistrates of the matters complained of by the said Asiatic servants, and had then said he would give all such of the Asiatic servants as were entitled to it by their agreements, passage home, and would genenerally submit to do what was right: That the said respondent did on the 17th day of June last, write to the said judge advocate, as the president or chairman of the said bench of magistrates, that he would give a passage to all such of his Asiatic servants to Calcutta as were unwilling to remain in his service; but on the 12th day of July, the day of the magistrates order to discharge the said Asiatic servants from the service of the said respondent William Browne, he the respondent William Browne restricted by a letter sent to the judge advocate the said offer of giving all of such his Asiatic servants to Calcutta as were unwilling to remain in his service to sending home by in the ship Mary, then lying in Sydney Cove, of which the said respondent William Browne is part owner, only such of his said Asiatic servants whose terms of service had (as he stated) expired, being (as he likewise said) five in number, and that four of the said Asiatic servants had entered into a new agreement with him the said respondent to serve him as servants for another year;

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but the appellant so being captain general and governor in chief as aforesaid, had determined to send them all home, and in pursuance of such determination, on the 22d day of July last, they, the said late servants of the said William Browne then discharged in manner aforesaid from their said service were shipped on board the Mary, the master of which ship or vessel of which the said William Browne was either owner or part owner, received the passage money, amounting to 322*l.* 10*s.*

And the question to be determined by the said supreme court was, whether the appellant, as captain general, &c. as aforesaid, having under the circumstances before stated, made the beforementioned payments, or having directed the same to be made and paid out of the police fund as such captain general, &c. as aforesaid, could recover back the money so paid for the benefit or use of the said respondent William Browne, and to be replaced into the said police fund on an implied assumpsit of monies paid by the said appellant as such captain general, &c. aforesaid, as monies paid for the respondent William Browne, in the performance and discharge of a public duty, which the law rendered it imperative on the said respondent William Browne to do, pay and perform; and the learned judge at the said trial held, that even if the court should be of opinion that the said respondent William Browne was morally bound to pay such outlay, yet there must be an express promise to do it on the part of the respondent William Browne, before the said action could be maintained, and that in the present case no such express promise had been made by the said William Browne; and that the relation of master and servant having been put an end to by the bench of magistrates order, the government could no longer compel the defendant to terms, nor could the said action be maintained against the defendant, under his liability as master; and that the appellant, as such captain general, &c. as aforesaid, could not recover this maintenance and passage money by paying it for the defendant, and then seeking to recover it back from him in a civil court in an action upon promises. The appellant being captain general, &c. as aforesaid, submits, the said Asiatic servants, having been landed in this colony without the privity or consent of the appellant, as such captain general, &c. as aforesaid, and having been found wandering up and down the streets of Sydney without lodging, food and clothing, or other necessaries, and the said respondent William Browne having refused them with such necessaries, or to find and provide for them a passage back to Calcutta, the said appellant, as such captain general, &c. as aforesaid, had a right to grant them the said late servants of the said William Browne, the necessary relief to prevent them from perishing for hunger, or other necessary sustenance and support, and to compel the said respondent, in an action of implied assumpsit, to repay to the fund from which the necessary supplies had been granted, the monies so necessary disbursed, for as much as there are no parishes in this colony to which the said servants could apply for relief, and the respondent William Browne had refused the same, they must have starved or perished, but for such humane interference of the said appellant, so being such captain general, &c. as aforesaid, charges. That in England parishes are liable to provide for the casual poor, and the parish officers are bound to assist in all cases where such accidents or casualties take place; and that the law will so far raise an implied contract against them as to enable any person, who affords that immediate assistance which the necessity of the case usually requires, to recover the amount of the money so expended; and it is a legal known principle, that in the event of a casual poor requiring relief of medicines, &c. the parish officers are bound to supply the necessary means; and that the law will so far raise an implied contract against them as to enable any person, who affords that immediate assistance which the necessity of the case usually requires, to recover against them the amount of money expended; in this present instance, the appellant, as captain general, &c. as aforesaid, was, he submits, to the said Asiatic natives, in a colony where no parochial relief could be obtained, the only humane resource to whom they could apply for succour; and that the respondent William Browne was not only under a moral obligation to afford them that necessary assistance and support which he had refused so to do, but was also, by his written contract with the said Asiatic natives, bound so to do. The appellant, as such captain general, &c. as aforesaid, contends and submits that the court of appeal will take into its consideration the circumstances of the before stated case; and upon view of the evidence given in support of damages in the said actions in the supreme court, and reverse the said judgment so given and pronounced by the said supreme court, and will assess such damages therein as shall be found to be

true

true and just, or that the said court of appeal may take such order, assessment of damages, or other sentence or decree in the premises, as shall or may be deemed most expedient just and right.

The appellant, as such captain general, &c. as aforesaid, submits his said case for the consideration of the said court of appeal, and charges that process of summons do issue for the respondent to answer such appeal, and the like process of execution as the said court, in and by the said letters patent empowered to issue, or that such further or other relief in the premises as in the said court of appeal may be deemed meet.

And the appellant will ever pray.

(True Copy, in 15 folios.)
(signed) *J. F. Campbell*, Sec^y^ to the Government of New South Wales.

To his Honour Judge Advocate Wylde.

N° 8.

Sir:— Having duly considered the communication you honoured me with when I took the liberty to wait on you this morning, I beg leave now to signify to your Honour that a sincere disposition to conform to what I understand to be his Excellency the Governor's pleasure respecting my Indian servants, still more than my desire to get rid of the trouble they are giving me, has determined me to give all the Indians in my service, who are unwilling to remain in the colony, a passage to Calcutta; those who have not, as well as those who have complained of me.

Respecting the account between me and these people, I am happy to learn that a gentleman is to be appointed on behalf of the Crown, to see them duly settled, and to receive the balances due by me.

I am now ready to produce the accounts of those entitled to agreement to return to India this season and some others, and shall, I trust, have the remaining accounts ready only before the time appointed for the ship to sail hence.

These accounts being settled, and the balances due by me being duly paid, I trust it will not be attributed to any improper feeling, if I require from those who are indebted to me, and who have obtained my orders on my agents to pay their families in India certain sums quarterly, payment on security for their respective debts, especially as I am willing to receive from those who may not be able to pay me, such security as they can give if they please. I trust I may also require that they respectively deliver up the several articles which have been placed in their charge.

I have the honour, &c.
Thursday evening, 17th June 1819. (signed) *William Browne.*

Macquarie, Esq. &c. &c. &c. *and* Browne. } Supreme Court, exhibited by plaintiff's attorney, 14th September 1819.

(Copy.) Court Room, Sydney, 12th July 1819.

Having in pursuance of directions from his Excellency the Governor, inquired into and examined upon oath the complaints made by the Asiatic natives, late in your service, as to misusage, cruel treatment and want of due provisions and other necessaries, we have to inform you, that we have this day ordered the said servants, under our respective hands and seals, to be discharged from your service.

We have also submitted to his Excellency the Governor, that you be required to furnish all the servants respectively, who are desirous of returning to their native country, a free passage, with maintenance and all proper necessaries during the voyage, and also to repay to the police fund the amount of 70*l.* advanced therefrom by his Excellency's order, for their maintenance and support, from the time of exhibiting the said matter of complaint.

(signed) *John Wylde*, Judge Advocate, New South Wales.
D. Wentworth, J. P. *R. Brooks*, J. P. *Simeon Lord*, J. P.

(A true copy.)
(signed) *John Wylde*, Judge Advocate, New South Wales.

Mr. W. Browne, Sydney.

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Sydney, New South Wales, July 22d, 1819.

The Government New South Wales, Dr. to owners of ship Mary.

To the passage of 24 male natives of India to Calcutta, at 10*l.* per °/₀ £.240 - -
To ditto ditto of 11 female natives of India to Calcutta, at 7*l.* 10*s.* per °/₀ - - - - - - - - - - 82 10 -
£.322 10 -

Received payment for the owners of the ship Mary.

(signed) *Benjamin Orman.*

To the Secretary, New South Wales.

To J. F. Campbell, Esq. Secretary to the Government, New South Wales.

Sir:—I am directed to acknowledge the receipt of your letter of the 4th January last, with its enclosures, relative to the suit instituted by the government of New South Wales against Mr. Browne, with the view of recovering the amount of the expenses incurred by that government, on account of the passage to Calcutta, of certain natives of Bengal, who had been employed as servants by Mr. Browne.

2.—The Governor General in council apprehends that no legal measures, as suggested by his Excellency the Governor, could be pursued in Bengal against Mr. Browne with any prospect of success, for the recovery of the amount expended, especially as Mr. Browne is absent from Calcutta. As, however, the sum in question was humanely disbursed by the government of New South Wales for the relief and accommodation of persons, subjects of the Honourable Company, his Excellency in council deems it equitable that His Majesty's government should be relieved from the burthen of such expenditure, Major General Macquarie is therefore requested to cause the sum of 386*l.* 3*s.* to be carried to the debit of the supreme government of India, and to suggest the mode in which the amount may be liquidated.

I have the honour, &c.

(signed) *C. Lushington*, Secretary to Gov^t.

Fort William, 5th May 1820.

Extract of a Letter from the Court of Directors to the Governor General in Council of Bengal, in the Public Department; dated 27th December 1822.

Letter from the government, dated 31st July 1820 (141 to 144). Proceedings connected with the case of 35 natives of Bengal, who were discharged by order of a bench of magistrates at New South Wales, from the service of Mr. William Browne, by whom they had been most cruelly treated. They were embarked for their native country at the expense of the colonial government, on board a ship proceeding to the port of Calcutta; the expense, 386*l.* 3*s.* not being recoverable from Mr. Browne, has been debited to the supreme government of India.

50.—We have perused, with strong feelings of indignation, the details of the sufferings endured by the unfortunate natives in question, from the brutal course of conduct pursued towards them by their late master, Mr. William Browne and his family; but we are gratified to learn, that they were rescued from their sufferings and oppressions by the humane interference of the government of New South Wales.

51.—As it appears that the suit instituted against Mr. Browne by that government, with the view of recovering the expense of the passage of those natives to Calcutta, terminated unsuccessfully, and that no legal measures for that purpose could be pursued in Bengal against Mr. Browne, with any prospect of success, we approve of your having caused the amount thereof, being 386*l.* 3*s.* to be carried to the debit of your government.

52.—We observe that you have very properly taken measures for preventing the future embarkation of people of the above description for New South Wales, without adequate security for their good treatment from the individuals who may engage their services.

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PAPERS relative to domestic Slavery in India, communicated to the Governor General in Council, by the Court of Nizamut Adawlut, in 1816; containing Copies of a Letter from Mr. J. Richardson, the Judge and Magistrate of Zillah Bundlecund, to the Nizamut Adawlut, dated the 23d March 1808; the Opinions of the Mahomedan and Hindoo Law Officers of the Court, on the subject of the said Letter, and the Court's Resolution thereon; together with the Court's further Correspondence with Mr. Richardson, and the Draft of a proposed Regulation "For checking and reforming Abuses in the practice of "Slavery:" 1808–1816.

Extract of a Letter from the Governor General in Council of Bengal to the Court of Directors, dated 1st March 1817.

Judicial Departments, L. P. Moorshedabad Crim. Cons. 15 March 1816. N° 31 to 57.

11.—The proceedings of the annexed dates contain the reports furnished by the judges of circuit, at the close of the second sessions of 1814, and the first sessions of 1815, in the several districts included within these divisions.

14.—We are not aware that the documents above noticed call for any detailed observations; the principal subjects adverted to in them have in fact been recently brought under the notice of your Honourable Court in a distinct and comprehensive form, with the documents which accompanied our separate dispatch of the 29th of November last.

15.—We think it right, however, to request the attention of your Honourable Court to paragraphs 3 to 7, of the resolutions of the Nizamut Adawlut, on the report of Mr. W. T. Smith, second judge of the Moorshedabad court of circuit.

With regard to the practice now brought under consideration by the second judge of the Moorshedabad provincial court, it might, the court think, be prohibited by a regulation, without hazard of any serious ill consequences, if in cases of distress, such as now induce persons to sell themselves or their children as slaves, they were declared at liberty to dispose of their own services, or those of their children for a limited period, such as would be sufficient to indemnify the purchaser without subjecting the parties and their descendants to perpetual slavery. If this principle meet the approbation of government, the court will hereafter submit the draft of a regulation upon the subject, including also a provision for the judicial emancipation of slaves, on proof of any cruel maltreatment, and any other provisions relative to slavery that may appear expedient on consideration of a regulation for checking and reforming the abuses that have crept into practice, and at present exist, with respect to slavery, which was proposed in the year 1809, by Mr. Richardson, then judge and magistrate of Bundlecund.

16.—The paragraphs in question refer to various documents connected with the sale of children as slaves during periods of extreme scarcity, or famine, concurring as we did generally in the sentiments expressed by the court of Nizamut Adawlut on the subject, we instructed the court to submit, for our consideration, the draft of a regulation founded on the principles and directed to the objects noticed in the 5th paragraph of the court's resolutions; a copy of that paragraph is inserted in the margin for the immediate reference of your Honourable Court, and we shall hereafter communicate to your Honourable Court the result of our deliberations on this highly important and interesting subject.

Extract Bengal Judicial Consultations, 15th March 1816.

Extract Letter from the Register of the Nizamut Adawlut to the Secretary to Government, dated 11th January 1816.

Criminal, L. P. N° 31.

I am directed by the court of Nizamut Adawlut to transmit to you, to be laid before the Right honourable the Governor General in council the inclosed extract from their proceedings of this date, together with the several papers therein referred to, viz.

1.—Copy of a Letter from the Judge and Magistrate of Zillah Bundlecund, dated the 23d March 1808, noticed in the 7th paragraph of the Court's resolutions, N° 16.

2.—Copy of a Resolution of the Court for a reference to their law officers, on the 28th April, 1808, N° 17.

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3.—Copies of translations of the answers from the Mahomedan and Hindoo law officers of the Court, recorded on the 29th March 1809, Nos. 18 and 19.

4.—Copy of a Letter written to the Judge and Magistrate of Zillah Bundlecund, on the 29th March 1809, N° 20.

5.—Copy of a Letter from the Judge and Magistrate of Zillah Bundlecund, dated 24th June 1809, with draught of a proposed regulation, Nos. 21 and 22.

1.—Copy of a Letter from the Judge and Magistrate of Zillah Bundlecund, dated the 23d March 1808.

To H. T. Colebrooke, J. H. Harington, J. Fombelle, and Thomas Parr, Esqrs. Judges of the Sudder Dewanny, and Nizamut Adawluts, Fort William.

N° 47. Gentlemen:—I beg leave to submit the following discussion on a subject of great importance to the cause of humanity, policy, morals and religion, to the consideration of the Sudder Dewanny and Nizamut Adawluts, with an humble but earnest request, that the same may most respectfully be laid before the Right honourable the Governor General in council, with such observations as this most important subject may, in the judgment and wisdom of the judges of the Sudder Dewanny and Nizamut Adawluts, appear to deserve, the humane abolition of the slave trade, which not long ago has taken place in England, had added lustre to the enlightened wisdom of the British senate, and enrolled, to the latest posterity, the name of Wilberforce amongst the benefactors of mankind.

2.—That slavery should ever have been authorized in any civilized community, is as astonishing to the mind, as disgraceful to human nature.

3.—The great Author of creation, matter, motion and existence, made all men equally free. By what act then can that freedom be forfeited or given up; surely liberty can be forfeited by no act that does not militate against the general security and well being of society, from which mankind acquire their happinesss and protection. Nor has man more right to sell or give up the natural freedom of his person than he has to lay down his natural life at pleasure, much less can he have any title to dispose of the liberty of another, even of his child.

4.—That every human being should contribute by his labour, whether mental or corporeal, to supply the wants of his brethren in society, on principles of reciprocity and mutual advantage, is as natural as requisite; but that God should authorize the assumption of property and the absolute control of one human being over another, nothing inferior in form or organization, is surely an impious supposition, arraigning the justice of Omnipotence, and directly contrary to every benign attribute of the Deity, as delineated by reason and religion, and impressed upon our minds by the laws of nature and the use of our rational faculties.

5.—That slavery is an infringement of the law of nature cannot be disputed. The most respectable authority proves that, therefore it is in its own nature and essence invalid. Blackstone, speaking of the law of nature, says, "this law of "nature, coeval with mankind, and dictated by God himself, is of course superior in "obligation to any other. It is binding all over the globe, in all countries, and at "all times; no human laws are of any validity if contrary to this; and such of them "as are valid derive all their force and all their authority mediately or immediately "from this original."

6.—The most strenuous defenders of this horrid imposition of the powerful on the weaker part of mankind, pretend not to maintain its propriety but on ideas of political utility. Impartial and minute inquiry into its effects would at once remove this specious veil, by which the diabolic principle is sometimes hidden; and the system, decorated in the eye of sensible and virtuous men under mistaken notions of human experience, proves the uniform tendency of slavery to be depressive of every emanation of the mind, and highly destructive to our species.

7.—No progress in arts or science can be expected from unhappy beings whose daily reflections reiteratedly press their forlorn condition upon their thoughts. The rudest cultivation of the earth is performed with sullenness and reluctancy, by wretches whose miseries know no end, but in the moments of repose. The twang of the whip raises them from generally a sleepless bed of filth and uneasiness, or if worn down with the fatigues of incessant labour, and perhaps assimilated by long suffering to the wretchedness of their state they have sunk, hopeless, to rest exhausted nature; the dreaded voice of a master calls forth these unhappy victims of his luxury and debauch to a renewal of daily toil. Perhaps exposed to the burning heat of a vertical sun, immerged to the knees in water, stagnate and unwholesome,

respiring

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respiring a vapour inimical to existence, perhaps buried alive in mines replete with noxious minerals and baneful air which slowly consumes the human frame, they die by piecemeal.

8.—Or if (which is the summit of a slaves good fortune) they meet with a more lenient lord, still their comforts are embittered by the dread of a change. The stroke of death, or the pressure of misfortune, may transfer them with their former masters cattle or his lands to a less tender lord; devoid of any established mode of providing for, or bringing up a family, and fearful of entering into the marriage state, having no protection or security, that their dearest and most tender connexions will not be set at nought by the capricious lust of pampered power, population suffers. If the passions of nature, and their irresistible impulse conquer or surmount these obstacles, children are produced. The depression of slavery and implicit obedience, however, has obliterated every lively and finer sensation of the human mind. The helpless infants are neglected, and in the imbecility of child hood, sink unobserved and unheeded to the grave; their very parents, contrary to every usual tie of nature, but here, according to reason, humanity, and almost paternal affection, rejoice at the early dissolution of their offspring. The more the love of their progeny is implanted in their breasts by the will of heaven, the less can they on reflection regret their being snatched away, however prematurely, from the soul harassing which they themselves have experienced and daily endure.

9.—This is no fanciful exposition of an ideal case, since paternal love in a similar situation has really excited a like perversion of nature, which the learned and ingenious Robertson records as follows.

10.—There are districts in America where this "dominion" (the unlimited power of the husband over the wife) "is so grievously felt, that some women in a wild "emotion of paternal tenderness, have destroyed their female children in their "infancy, in order to deliver them from the intolerable bondage to which they knew "they were doomed." The same motives of affection that urged these wretched women to destroy their female offspring, must operate to the destruction or neglect of all children born in the galling chains of hereditary bondage.

11.—In Hindostan, slaves are kept for show, or employed in the meanest and most laborious offices of servitude. In ancient times, slaves were bred to trades; to cultivate the sciences and other philosophic studies, and accordingly some of this class distinguished themselves by their abilities, and contributed to enlighten mankind. But how much more speedily has general improvement increased since the establishment of freedom through the principal parts of Europe. The freest nations have ever been the first to dispel the clouds of error, and brighten the dawnings of knowledge into the meridian splendour of truth.

12.—If any thing can add to the horror which the idea of slavery raises in every human breast, it is the reflection that by the Mussulman law respecting female slaves, the master is not only legal lord of their persons for purposes of laborious services, but for those of sensual gratification; even such as his perverted or unnatural passions may impel his brutality to indulge. The enormity of this diabolical law is shocking to humanity, and the horrors of such a wretch's situation are not calmly to be thought of. The haughty Islamite deigns not even to persuade, and is not only authorized to set every tender and delicate sensation at naught, but may legally outrage the very laws of nature.

13.—It is not less shocking to reflect that women, who have spent their youth and worn out their persons in the grossest debauchery and prostitution, when their faded beauty no longer produces their wonted luxuries, and even their former paramours in guilt and vice turn from them with satiety and disgust, purchase female children for the avowed purpose of the most licentious life.

14.—These females, were such injurious practices prevented by the abolition of all slavery, would become useful members of the community, and add to the prosperity of the state by the increase of their species. They would marry industrious labourers and mechanics, and numbers would escape being exposed to the venal and promiscuous intercourse of the sexes, which is highly prejudicial to population.

15.—The desperation sometimes occasioned by the unfeeling inflictions of cruel masters, often incite to acts of which humanity shudders. The dagger and the bowl are frequently employed to procure emancipation from the unremitted domination of brutality.

16.—This spirit of sanguinary despair, for, in a state of slavery, it scarcely deserves the harsh terms of revenge or murder, had risen to such an alarming height

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in the Roman empire as to induce the sages, of that early seat of arts and arms, to sanction by law the most unreasonable and inhuman massacres; they cannot be called legal punishments, where the innocent and the guilty are equally involved in one undistinguished carnage.

17.—There, if a slave murdered, poisoned, or caused his master's death, not only the culprit, but all his other bondsmen, however innocent, were liable to be put to death by formal process; nay, the masters had at one time power of life and death over their slaves.

18.—Under systematic slavery the minds of mankind are inevitably debased. Children being educated amongst, and attended by these wretches, imbibe their dispositions, and having the example of their parents always before their eyes, learn to consider those under them as a distinct race unworthy of the rights of humanity; consequently they beat and tyrannize over these unhappy beings in mere wantonness, with as little remorse as they torture a fly. The first efforts of imitative cruelty are viewed by the parents without reprehension, their own minds having undergone the same perversion by the same tuition and practice of maturity having deadened their feelings, so that I fear not unfrequently this early discovery of vicious inclination is considered by the fond, but mistaken parent, as a sure presage of spirit and future greatness. View the manners of those nations who tolerate slavery, and say whether this reasoning is not warranted by reality.

19.—There are districts under the Company's dominions wherein, to my own knowledge (particularly Ram Ghur), the greatest part of the cultivators and labourers are slaves; I have no scruple to avow I deem this one great cause of the wild and uncultivated condition of the country, and the barbarous and savage state of its inhabitants; for what human being will labour with good will, or a desire of improvement, when another enjoys the sole produce?

20.—The increase of cultivation and abundance of grain, &c. &c. makes no alteration in the miserable state of these unhappy wretches. If ever so much is gained by their labour, they reap no advantage. A rag of the coarsest texture, scarcely sufficient to cover their nakedness, and a scanty allowance of the most cheap and unpalatable food, is their uniform portion.

21.—Sometimes ill-usage forces them to abscond; their masters lose much time in endeavouring to find and recover the run-aways; if forced back, they labour sullenly and slowly, and repeat their desertion the first opportunity. If lucky enough to evade discovery, they seek a retreat in the fastnesses of the woods, and associate with men of similar circumstances. In daily terror of apprehension, they cannot cultivate the soil; they cannot hire to service, dreading detection; they must live, and by what means, the most obvious the only are, theft and plunder. Long familiarity with scences of rapine hardens their hearts to delight in acts the most atrocious, till at last, not only robbery, but murder become amongst the wanton sports of the day.

22.—Thus the state loses not only the labour of these banditti themselves, but the exertion and pains of the industrious and inoffensive are rendered abortive by the predatory incursions of such freebooters. The injury thus given birth to is great beyond conception, and much more worthy of serious consideration than a cursory view may lead to imagine.

23.—It is argued, that were slavery abolished many wretches would perish in times of extreme scarcity or famine. Admit, that some would perish, those would be chiefly the infirm and superfluous in towns, not the industrious cultivators or the ploughmen, whom the proprietors of villages would preserve with their produce. I am moreover convinced, that population would subsequently increase so much faster amongst the surviving freemen than it does, or ever can, amongst bondsmen, that it would more than counterbalance, supposing the fact established, the diminution sustained in consequence of the future purchase of slaves being prohibited.

24.—This prohibition, and the permanent tenure in the soil granted to the natives, would unitedly prove a powerful preventive of famine itself. This scourge to the human race could scarcely happen; and were every man at liberty to dispose of his labour and means to the best advantage, he would by his superior industry, and more active foresight, provide against the effects of a drought.

25—Many in that case, which the first alarm of scarcity or famine terrifies into bondage, would assuredly find various modes of subsistence; and though there might not be more, or so many souls existing on the return of plenty, yet there would be more free men living, which are undoubtedly the most industrious and useful subjects a state can have, and would, by a more speedy increase; more than compensate.

26.—The

26.—The great advantage to population derived from the emancipation of slaves cannot be better illustrated than by quoting an example adduced by Mr. Coxe, in his tour through the Northern Countries of Europe Speaking of the slavery of the Polish peasantry, he has the following remarkable and decisive instance of the benefit accruing from their manumission.

27.—A few nobles, however, of benevolent hearts "and enlightened under- "standings, have acted on different principles, and ventured upon the expedient of "giving liberty to their vassals. The event has shewn this project to be no less "judicious than humane; no less friendly to their own interests than to the happi- "ness of their peasants, for it appears, that in the districts in which the new "arrangement has been introduced, the population of the villages has been con- "siderably increased, and the revenues of their estates augmented in a triple "proportion."

28.—The first noble who granted freedom to his peasants was Zamoiske, formerly great chancellor, who, in 1760 enfranchised six villages in the palatinate of Moravia. These villages were in 1777 visited by the author of the Patriotic Letters, from whom I had the following information: on inspecting the parish registers of births from 1750 to 1760, that is, during the last ten years of slavery immediately preceding their enfranchisement, he found the number of births 434 in the first ten years of their freedom; from 1760 to 1770, 620; and from 1770 to the beginning of 1777, 585 births.

By these extracts it appears, that during the first period, there were only 434 births; second period, 620; third period, 770 births.

If we supposed an improvement of this sort to take place throughout the kingdom, how great would be the increase of national population.

29.—In proof of the injustice and impropriety of slavery, because contrary to reason and to nature, a quotation from a late author of rank and respectability should have weight. This author, in discussing the principles of *natural right* expresses himself in the following enlightened and philosophic manner: "The power "of satisfying our wants absolutely depends on our personal *property*; that is to "say, on the perfect liberty of employing our powers, our time, and our means in "the research of what is useful." And again, "The property of our persons, "therefore, is our first right, and it is our first duty to preserve and defend it; "every association of men must be founded on this duty and this right." Pursuing the subject further, he says, "A complete personal *property*, or liberty, "is the common right of all, since it is necessary to all; and because men in this "respect are and ever must be equal, it is this which constitutes, or at least ought "to constitute, the common measure of society."

30.—That this is the natural and just state of the case cannot be doubted; accordingly we find that the attachment of the savage, or man of nature, to his personal independence, is one of the strongest of his feelings.

31.—But leaving all further discussion of *natural right* to the philosophic investigation of the schools, let any man with common sense read Hume on the Populousness of Ancient Nations, and see to what enormous and destructive practices slavery led the men who are held up to us as patterns of virtue, and then let him ask his understanding the benefit to population that would result from the abolition of all slavery whatsoever.

32.—In elucidation, and to compass the whole in one view, I shall endeavour to contrast the effects of slavery and voluntary servitude under a system of liberty.

Slavery.	Voluntary Servitude.
1st.—It is the interest and constant object of the master, to get the greatest quantity of labour at the cheapest rate, consequently he stints the slave in food and raiment. It may be urged, by clothing and feeding well, the slave would be strong, and better able to endure fatigue, but it is the constant practice of avarice, by its short-sighted policy, to counteract its own wishes: a trifling immediate advantage being generally preferred to much more essential objects, if more remote.	1st.—The same object actuates the master here also, but the servant being free to stipulate, his interest counteracts that at the other, and the contest reduces and establishes the price of labour at its just rate, that is, it allows the servant sufficient to provide for himself and family, and leaves the master a competent profit.
2d.—It	2d.—It

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2d.—It is the uniform desire and endeavour of the slave to mitigate the hardship of his lot by evading toil, which brings him no advantage.

2d.—It is the general wish of servants to satisfy their masters, that they may not lose their employment; or, if their services are no longer requisite, to entitle them to a recommendation, not to insist on the greater quantity of work a servant will perform.

3d.—The slave finding himself subject to capricious treatment and change of masters, will very seldom, if ever, add the cares of providing for a family of children to his other woes, consequently he avoids marriage, and thus the community loses materially by rendering so many useless, in one of the first offices and duties of nature, and by far the most essential to a nation, procreation.

3d.—A servant knowing he can dispose of his earning as he pleases, and being thus provided with an independent fund for the provision of a wife, &c. &c. will marry, natural wants and propensities strongly impelling to this union; thus the state reaps an infinite and inestimable benefit by the increase of population.

4thly.—In their old age, it is the master's interest to get rid of the feeble, who eat but cannot labour, consequently the worn down wretch is neglected, and perishes more speedily for want of care, having no family or children to ameliorate and ease the pains of sickness, or prop the weakness of decline, by the soothing attention of filial duty and affection.

4thly.—Under voluntary servitude, by the time old age approaches, many have saved a little from the rewards of their services, to assist in softening the hardships of sickness and debility, &c. and almost all having married, and added to the general stock of industry and riches, by the procreation of their species, have some family or children to soothe the evening of life. Though this may be little weight in the scale of political reasoning, it certainly ought to have some in that of humanity.

5thly.—In times of scarcity and famine, the master must starve his slaves, send them to plunder, or emancipate them. The latter, his avarice will never permit.

5thly.—In real scarcity, a servant is not harder to subsist than a slave; he will not eat more, and having his stipulated wages, he is better enabled to evade the horrid effects of famine, by anticipating its approach, and making a timely provision.

6thly.—When they can sell themselves or their children, numbers are induced to flock to great towns and cities, whereby many die from disappointed expectation, who would otherwise pick up a scanty subsistence in scattered villages.

6thly.—Were slavery abolished, this evil could not happen, knowing they could not sell themselves or children, &c. they would not be tempted to cities in such numbers, having only a precarious charity to rely on, they would, therefore, substitute many modes of supplying a mere sustenance in the country, from berries, herbs, &c.

7thly.—It would appear that it is the advantage of masters to promote the domestic procreation of their slaves. This, like many other theoretic ideas, is found to be fallacious, and contradicted by fact. The expense of rearing, and the loss incurred by the indispensable attendance of the parents to their offspring, has always made proprietors prefer recruiting casual diminutions of their slaves by purchase, even in Rome, where slavery was universal. How much more will masters avoid such trouble and expense in this country, where I have seen in a time of local scarcity only, a stout lad of 14 or 15 years old, sold

7thly.—Were voluntary servitude substituted for slavery, avarice, real or mistaken, could not affect population; nature would have her due course.

8thly.—Abolish

sold for the trifling consideration of two rupees, scarcely a month's wages for the meanest servant.

8thly.—Women of bad fame purchase females for the most public prostitution, which are thereby lost to the community, few of this class proving prolific, or, if productive, rearing their children to maturity.

8thly.—Abolish the unnatural law of slavery, and the evil could not occur.

9thly.—Children are sometimes sold to bondage by the fraudulent villainy of others in the cases of death or absence of parents, instances of which are not uncommon.

9thly.—Nor this.

10thly.—The sanction of slavery not many years ago, gave birth to an infamous and most diabolical traffic, shocking to think of, and as injurious to our government as disgraceful to the wretches concerned, diminishing our resources, by depriving us of subjects.

10thly.—Nor this.

33.—The effects of slavery are as plainly injurious as the benefits of freedom are obvious and undoubted. Many more arguments might be adduced, and numerous instances of cruelty, shocking to humanity, exposed.

34.—I have endeavoured to point out some of the inconveniences of systematic slavery, and aimed at displaying the future advantages of abolishing so inhuman an institution.

35.—Aware of the great importance, and convinced of the caution with which innovation should be attempted, or the ancient laws, customs, or prejudices of a people infringed, I presume not even to sketch out the mode or to fix the period of general emancipation; and perhaps the sudden manumission of those now actually in a state of bondage, though abstractedly just, might be politically unwise, but there can exist no good reason, either political or humane, against the British government prohibiting the purchase or sale of all slaves, legitimate or illegitimate, after a specified time, and likewise ordaining and declaring that all children, male and female, born of parents in a state of slavery, shall from a like date be free.

36.—In the name of God let not the interest or convenience of one portion of that community, committed by the inscrutable will of Heaven to our government and protection, forge chains for and hold in perpetual and miserable bondage, a large proportion of the wretched remainder.

37.—Should my humble arguments on the subject draw the attention of men possessed of more ability to investigate and determine the propriety of establishing personal liberty on the British model, throughout the Company's provinces, as well as invested with power to extend relief to the objects of these lines, so as to promote a mitigation of their miserable situation, I shall deem myself well rewarded, having no end in view but the honour of my country, and the happiness of my fellow creatures.

I have, &c.

(signed) *J. Richardson*, J. & Mag.

Zillah Bundlecund, 23d March 1808.

2.—Resolution of the court of Sudder Dewanny Adawlut, under date 28th April 1808. N° 48.

Read a letter from the judge and magistrate of Zillah Bundlecund, recommending a prohibition of the purchase or sale of slaves.

The court, on consideration of the above letter from the judge and magistrate of Zillah Bundlecund, with a view to ascertain whether any modification of the Mahomedan or Hindoo laws of slavery appear requisite or expedient,—Resolve, That the following questions be put to the Muftees and Pundits of this court.

1st.—What description of slaves are authorized by the Mahomedan or Hindoo laws respectively?

2d.—What legal powers are the owners of slaves allowed to exercise upon the persons of their slaves, and particularly of their female slaves?

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3d.—What offences, upon the persons of the slaves, and particularly of female slaves, committed by their owners, or by others, are legally punishable, and in what manner?

4th.—Are slaves entitled to emancipation upon any, and what maltreatment; and may the courts of justice adjudge their emancipation upon proof of such maltreatment; in particular, may such judgment be passed upon proof that a female slave has, during her minority, been prostituted by her master or mistress; or that any attempt of violence has been made upon her person by her owner.

(True copy.) (signed) *M. H. Turnbull*, Register.

N° 49.

3.—Answer to the 1st Question.

All men are by nature free and independent, and no man can be a subject of property, except an infidel, inhabiting a country not under the power and control of the faithful. This right of possession which the Mooslims have over Hurbees, *i. e.* Infidels fighting against the faith, is acquired by Isteela, which means the entire subduement of any subject of property by force of arms. The original right of property therefrom, which one man may possess over another, is to be acquired solely by isteela, (as defined above,) and cannot be obtained, in the first instance, by purchase, donation or heritage; when, therefore, an Imaum subdues by force of arms any one of the cities inhabited by infidels, such of them as may be taken prisoners become his rightful property, and he has the power of putting them to death or making them slaves, and distributing them as such among the ghazees, (*i. e.* victorious soldiers, particularly when fighting against infidels,) or he may set them at liberty in a Mussulman country and levy the capitation tax; should he make them slaves, they become legal subjects of property, and are transferable by sale, gift or inheritance; but if, after captivity, they should become converts to the faith, "Islam," the power of death over them is thereby barred, though they would continue slaves, being the necessary consequence of original infidelity; the subsequent conversion to islam does not affect the prior state of bondage to which the individual has been regularly liable by isteela, provided this be clearly established. From this it is evident that the same rules are applicable to slaves of both sexes. If slaves are afterwards sold or given away by the imaum, or by the ghazees who shared at the distribution, or if they should become the property of another by inheritance, they then become slaves under the three different classes of purchase, donation and inheritance.

If a female slave should bear offspring by any other than by her legal lord and master, whether the father be a freeman or a slave, and whether the slave of the said master, or of any other person, in any of these cases, such offspring is subject to slavery, and these are called Khanu Zads, *i. e.* born in the family. But if the children be the avowed and acknowledged offspring of the rightful owner, they are then free, and the mother of them (being the parent of a child by her master), becomes, at his decease, free also; and this rule is applicable to all their descendants, to the latest posterity.

The practice among free men and women, of selling their offspring during a time of famine, is extremely improper and unjustifiable, being in direct opposition with the principles above stated, viz. that *no man* can be a subject of property, except an infidel taken in the act of hostilities against the faith. In no case then can a person, legally free, become a subject of property, and children not being the property of their parents, all sales or purchases of them, as of any other article of illegal property, are consequently invalid. It is also illegal for any freeman to sell his own person, either in time of famine, or though he be oppressed by a debt which he is unable to discharge. For, in the first of these cases, a famished man may feed upon a dead body, or may rob another, and a distressed debtor is not liable to any fine or punishment.

We are not acquainted with the principal or detailed circumstances which led to the custom prevailing in most Mussulman countries, of purchasing and selling the inhabitants of Zunquebar, Ethiopia and Nubia, and other negroes; but the ostensible causes are, either that the negroes sell their own offspring, or that Mussulman or other tribes of people take them prisoners by fraud and deceit, or seize them by stealth from the sea shores.

In such cases, however, they are not legally slaves, and the sale and purchase of them is consequently invalid. But if a Mussulman army, by order of an Imaum, should invade their country, and make them prisoners of war by force of arms, they

are then legal slaves, provided that such negroes are inhabitants of a country under the control and government of infidels, and in which a Mussulman is not entitled to receive the full benefit and protection of his own laws.

With regard to the custom prevailing in this country, of hiring children from their parents for a very considerable period, such as for seventy or eighty years, and under this pretext making them slaves, as well as their produce also, under the denomination of Khanu Zad (domestic slaves,) the following laws are applicable; viz. it is lawful and proper for parents to hire out their children on service, but this contract of hire becomes null and void when the child arrives at years of discretion, as the right of parentage then ceases. A free man who has reached years of discretion may, however, enter into a contract to serve another, but not for any great length of time, such as for seventy years, as this also is a mere pretext, and has the same object of slavery in view, whereas the said free man has the option of dissolving any contract of hire under either of the following circumstances; 1st. It is the custom in contracts of this nature, for a person hired on service to receive a compensation in money, clothes and food, as the price of hire. Any day, therefore, that a servant receives such compensation, he is in duty bound to serve for that day, but not otherwise. 2dly. The condition of a contract of hire requires that the return of profit be equal to the price of hire, and this cannot be ascertained but by degrees; and in course of time the contract of hire, therefore, becomes complete or fulfilled, according to the services or benefit actually rendered in return for the price of hire received, and the person hired has consequently the option of dissolving the contract at any moment of the period originally agreed for. It is, however, unavoidably and actually necessary in contracts of a different nature, such as in rents of land, &c. that the lessee should not have this power, but, reverting to contracts of hire for service for a long period, and the nefarious practices of subjecting freemen to a state of bondage and slavery, under this pretence, it appears expedient to provide against such abuses, and with this view to restrict the period for service in all contracts of hire of freemen to a month, one year, or at the utmost to three years, as in cases of "Ijanawugh," a farm of endowment.

It is customary also, among the Zunani Tuwaif, *i. e.* women, who keep sets of dancing girls, to purchase female free children from their parents, or by engagement directly with the children themselves, exclusive of the illegality of such purchases, there is a further evil resulting from this practice, which is, that the children are taught dancing and singing for others, and are also made prostitutes, both of which are extremely improper, and expressly forbidden by the law.

Answer of the 2d Question.

The rightful proprietor of male and female slaves has a claim to the service of *such slaves, to the extent of their power and ability, i. e.* he may employ them in baking, cooking, in making, dying and washing clothes, as agents in mercantile transactions; in attending cattle, in tillage or cultivation; as carpenters, ironmongers and goldsmiths; in transcribing; as weavers, and in manufacturing woollen cloths; as shoemakers, boatmen, twisters of silk, water drawers; in shaving, in performing surgical operations, such as cupping; and as farriers, bricklayers, and the like; and he may hire them out on service in any of the above capacities. He may also employ them himself, or for the use of the family in other duties of a domestic nature, such as in fetching water for washing or wuzoo, religious purification, in anointing his body with oil, rubbing his feet, in attending his person while dressing, and in guarding the door of his house, &c. He may also have connection with his legal female slave, provided she is arrived at the years of maturity, and the master or proprietor has not previously given her in marriage to another.

Answer to the 3d Question.

If a master oppress his slave, by employing him in any duty beyond his power and ability, such as insisting upon his carrying a load which he is incapable of bearing, or climbing a tree which he cannot, the hakim or ruling power may chastise him. It is also improper for a master to order his slave to do that which is forbidden by the law, such as putting an innocent person to death, setting fire to a house, or tearing the clothes of another, or to prostitute himself by adultery and fornication, to steal or drink spirits, or to slander and abuse the chaste and virtuous; and if a master be guilty of such like oppressions, the hakeem may inflict exemplary punishment by Tazeer and Uquoobut Hugool Illah literally, "the right of God," and meaning on principles of public justice.

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It is further unlawful for a master to punish his male or female slaves for disrespectful conduct and such like offences, further than by tadeeb (correction or chastisements), as the power of passing sentences of tazeer and quisas, &c. is solely vested in the hakim. If, therefore, the master should exceed the limits of his power of chastisement above stated, he is liable to tazeer. If a master should have connection with his female slave before she has arrived at the years of maturity, and if the female slave should in consequence be seriously injured, so that " uterque naturæ meatus in unum coeat," or should die, the ruling power may punish him by tazeer and uquoobut Hugool Illah (as before described.)

Answer to the 4th Question.

If the master of male or female slaves should oppress or tyrannize over them by beating them, or unjustly stinting them in food, or imposing upon them duties of a difficult and oppressive nature, so as to cause them affliction and distress; or if a master should have connection with his slave girl before she had arrived at the years of maturity, or should give her in marriage to another, with permission to cohabit with her in this state, such master sins against the divine laws, and the ruling power may punish him by tadeeb and tazeer Hugool-l-Illah; but the commission of such crimes by the master does not authorize the manumission of the slaves, nor has the hakim any right or authority to grant them emancipation.

Adverting, however, to the principle upon which the legality of slavery is originally established, (*viz.* that the subject of property must be an infidel, and taken in the act of hostilities against the faith,) and also to the several branches of legal slavery arising from this principle, as by purchase, donation, inheritance, and khanu zadee, whenever a case of possession of an unlawful male or female slave should be referred to the hakim for investigation, it is the duty of the hakim to pass an order, recording the original right of freedom of such individual, to deprive the unjust proprietor of possession, and to grant immediate emancipation to the slave.

Soorajooddeen Ulee and *Moohumimud Rashed.*

(A true translation.)

(signed) *M. H. Turnbull*, II[d] Ass[t].

Answer to the 1st Question.

N° 50.

There are fifteen different sorts of male and female slaves, as follows:

1st.—Girite-Jat; *i. e.* one born of a slave girl.

2d.—Kireek; *i. e.* one bought for a price, either from the parents or from the former owner.

3d.—Leibdhi; *i. e.* one received in donation.

4th.—Dayado Pagut; *i. e.* one acquired by inheritance.

5th.—Unakal Bhirt; *i. e.* one maintained or protected in time of famine.

6th.—Aheet; *i. e.* a slave pledged by his master.

7th.—Reen Das; *i. e.* a distressed debtor, voluntarily engaging to serve his creditor for a stipulated period.

8th.—Jood'h Purapuk; *i. e.* one taken captive in war.

9th.—Pun Jeet; *i. e.* won in a stake or gambling wager.

10th.—Oepgut; *i. e.* one offering himself in servitude, without any compensation or return.

11th.—Prub Burjeed Busit; *i. e.* a Brahmin relinquishing a state of religious mendicity, which he had voluntarily assumed. An apostate mendicant, however, is the slave of the rajah or governor only.

12th.—Kirt Hal; *i. e.* stipulated, or one offering himself in servitude for a stipulated time.

13th.—Bhugal Das; *i. e.* one offering himself in servitude for the sake of food.

14th.—Burbar Bhirt; *i. e.* one becoming a slave on condition of marriage with a slave girl.

15th.—Atma Bikrita; *i. e.* self-sold, or one who has sold himself for a price. And these fifteen sorts of slaves are declared by Narida Munee, according to the under-mentioned authorities; *viz.* Mituchhra, Upruth, Runta, Kur, Bibad, Chinta, Menee, Kulputroo, Sumrit, Sar, Beebad, Tandub, Sumritee, Sumacheed, Madhublee, and others.

Answer to the 2d Question.

The owner of a male or female slave may require of such slave the performance of impure work, such as plastering and sweeping the house, cleaning the door, gateway, and necessary, rubbing his master's naked body with oil, and clothing him, removing fragments of victuals left at his master's table and eating them, removing urine and human ordure, rubbing his master's feet and other limbs, &c. In cases of disobedience or fault committed by the slave, the master has power to beat his slave with a thin stick, or to bind him with a rope; and if he should consider the slave deserving of severer punishment, he may pull his hair, or expose him upon an ass. But if the master should exceed this extent of his authority, and inflict punishment upon his slave of a severer nature than above stated, he is liable to pay a fine to the hakim or ruling power of a thousand puns of khur mohrus (eighty thousand kowrees.) This is declared by Munoo, according to Rutnad, Kun, Bibad, Chinta Mun, and other authorities.

Answer to the 3d Question.

A master has no right to command his male or female slave to perform any other duties besides those specified in the answer to the 2d question, or authority to punish his slave, further than in the manner before stated; and if he should exceed this discretionary power in either case, he is liable to the same penalty, *viz.* one thousand puns of kouries. This is declared by Munoo and Bishn.

Answer to the 4th Question.

The commission, however, of offences of the above nature by the master does not affect the state of bondage of the slave, and the ruling power has not the right of granting his manumission; but if it should be established in evidence before the hakim that any person having stolen or inveigled away, by fraud and treachery, a child or slave, had afterwards sold him to another, or that any person had compelled another into a state of slavery by force and violence, the ruling power may then order the emancipation of such child or slave; and if a master, or any other by permission of the master, should cohabit with a slave girl before she has arrived at the years of maturity, and this fact be proved, the ruling power may sentence such offender to pay a fine of fifty puns of kouries, but cannot emancipate the slave girl.

Whenever a slave girl has borne a child by her master, such slave, together with the child, becomes free, and the ruling power should sanction their emancipation.

This is the law, declared by Jak Bulk Munee, Menoo, and Kuteeabun, according to Mit Unchhra and other authorities.

(signed) *Cheetoor Bhooj Neearutun* and *Chitr Puti Oopadhi.*

(A true translation.)

(signed) *M. H. Turnbull*, II[d] Ass[t].

4.—Copy of a Letter to the Judge and Magistrates of Zillah Bundlecund.

No 51.

Sir:—I am directed by the Sudder Dewanny Adawlut and Nizamut Adawlut, to acknowledge the receipt of your letter of the 12th inst. and to acquaint you that your letter of the 23d March 1808, was duly received and acted upon.

2.—In reply, the court direct me to transmit to you the accompanying documents, 1st, Copies of the resolution of the court on the receipt of your letter of the 23d March 1808; 2d, Questions proposed to the Mahomedan law officers of the courts, with their answer; 3d, Translation of ditto; 4th, Copy and translation of the answer of the Hindoo law officers to similar questions.

3.—If under the information contained in the papers herewith transmitted, any further provisions or modifications of the existing laws of slavery should appear to you to be requisite, the court request that you will propose for their consideration, the draft of a regulation prepared in conformity with the rules contained in Regulation I. 1803.

I am, &c.

29th March 1809. (signed) *W. B. Bayley*, Register.

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N° 52.

5.—Copy of a Letter from the Judge and Magistrate of Zillah Bundlecund, to H. T. Colebrook, J. H. Harington, J. Fombelle, and J. Stuart, Esquires, Judges of the Sudder Dewanny and Nizamut Adawluts, Fort William.

Gentlemen:—I have the honor to acknowledge the receipt of Mr. Register Bayley's letter of the 29th of March last, in reply to my address of the 12th of the same month, conveying to me the information, that my public despatch of the 23d March 1808, on the subject of slavery, had been received, and had been acted upon by the court of Nizamut Adawlut, and covering by the order of the court, its resolutions on the subject, by which it appears, that the court have deemed that despatch of sufficient importance to induce it to put four questions to the Mahomedan and Hindoo law officers, and has thought proper to inclose copies of those questions in the Persian language, together with copies of the answers to them, as given by the above law officers respectively, with official English translations of the same.

2.—Mr. Register Bayley's letter above acknowledged, informs me further, that he is directed to communicate to me, that it is the desire of the court of Nizamut Adawlut, that if after perusing the above questions and the answers thereto by the Mahomedan and the Hindoo law officers respectively, I should deem any alteration or modification of the laws of slavery in the Honourable Company's dominions necessary, that I will draw up a regulation on the subject, in the manner directed in Regulation I. of 1803, and submit the same to the consideration of the Nizamut Adawlut.

3.—As I was aware of this regular mode of introducing the subject, to which it has been the pleasure of the court of Nizamut Adawlut to refer to me, I feel it incumbent upon me, respectfully to explain my reasons for not having followed that mode in the first instance. They are, first, being deeply impressed with the great importance of the subject, whether considered in a moral, religious, or political point of view, I was anxious that it should obtain the most serious and ample discussion possible, previously to the formation of a regulation. To remedy the evil, it appeared to me highly necessary, that the evil should be ascertained and acknowledged, and its extent fully understood. Secondly, by introducing the subject in the form I did, being evidently a question of magnitude, and most necessary to be well weighed, and considered in all its branches and effects, I was in the humble and respectful hope of having my opinions and reasoning strengthened, where they were considered just and proper, and of having my arguments and misconceptions corrected where they appeared erroneous and impolitic by the superior legislative wisdom, and more extensive political, moral, and religious knowledge of the court of Nizamut Adawlut; and, thirdly, I was restrained from attempting to draw up a regulation on so important a subject, by a consciousness of my own inadequacy to the task of forming such a regulation as should effectually and justly embrace all the great objects and points of so important a law, or to word with sufficient precaution a regulation on which the freedom and happiness of thousands of my fellow creatures depended.

4.—The above were the motives which operated, to retrain my arrogating to myself the formation of a regulation on the broad and most important consideration of abolishing slavery through the Honourable the East India Company's dominions.

5.—I have most respectfully to express my regret that it has not been the pleasure of the Nizamut Adawlut to state any opinion on this comprehensive and important subject, but to refer me to the answers of the Mahomedan and Hindoo law officers, with which, having given the subject some consideration for many years past, I most respectfully state, I was not entirely unacquainted, having taken some pains to inform myself, not only of the law as it exists according to both persuasions, but also of the opinion of respectable and well informed men of both religions, as to the propriety or utility of slavery; and I can safely aver, that I never met a man of good sense and character of either religion, that did not admit of its inhumanity, and after that admission, to discuss the point of utility, would, I humbly conceive, be a perversion of the reason with which it has pleased God to bless mankind.

6.—I trust I may be respectfully pardoned for stating my embarrassment, being without aid or even a remark to guide my fallible judgment, required to form a regulation on which the freedom and the happiness of thousands of both sexes depend, and in which, not only religion, morals, and the good order of the community,

munity, but consequently the political welfare of the state are involved in a considerable degree

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7.—On reflection, however, I am with deference, but confidently led to hope, that the court of Nizamut Adawlut has thought proper to reserve the application of its wisdom and legislative knowledge to the question, till from discussion the subject shall be in a more advanced and mature state, and under this respectable confidence, I feel some encouragement to proceed in my humble endeavours to bring the question forward, I shall therefore, however, conscious of my inadequacy, endeavour to discharge my duty in this business to my fellow creatures, to my country, and to my God, with an equal consciousness of the zealous rectitude of my intentions.

8.—Previously however to my submission of the draught of the regulation directed to be submitted to the court of Nizamut Adawlut, I deem it of essential importance to the elucidation of the subject to offer a few remarks on the laws of slavery as they now exist in that part of Hindostan which it has pleased God to destine and allot to the control and government of the British nation.

9.—For the sake of perspicuity and to bring the subject at once under view, I shall transcribe first, the questions put to the Mahomedan and Hindoo law officers officially, for the purpose of procuring a declaration of law on the subject of slavery, according to their respective codes, and insert their answers on one column of the page, and offer such remarks on the other as present themselves to judgment, or as seem to my humble understanding applicable or pertinent to the subject, viz.

Questions put to the Moftee by the Nizamut Adawlut.

Questions and Answers by the law officers.	Remarks.
First Question, para. 10.—What description of slaves are authorized by the Mahomedan law?	From the reply it is evident that by the Mussulman law, no man can have the right of property over another human being except a Mussulman, and he even
Answer, para. 11.—All men are by nature free and independent, and no man can be a subject of property except an infidel inhabiting a country not under the power and control of the faithful. This right of possession which the Mooslims have over Hurbus, *i. e.* infidels fighting against the faith, if acquired by Isteela, which means the entire subduement of any subject of property by force of arms. The original right of property therefore, which one man may possess over another, is to be acquired solely by Isteela (as defined above), and cannot be obtained in the first instance by purchase, donation or heritage; when therefore an Imaum subdued, by force of arms, any one of the cities inhabited by infidels, such of them as may be taken prisoners become his rightful property, and he has the power of putting them to death or making them slaves, and distributing them as such among the Ghazees, *i. e.* victorious soldiers, particularly when fighting against infidels; or he may set them at liberty in a Mussulman country, and levy the capitation tax; should he make them slaves, they become legal subjects of property, and are transferable by sale, gift or inheritance; but if, after captivity, they should become converts to the faith, Isleem, the power of death over them is thereby barred, though they would continue slaves, for slavery being the necessary	can acquire that right over an infidel only, inhabiting a country not under the power and control of the faithful; and that this right which Mussulmans have over infidels fighting against the faith, is acquirable by *Isteela*, which means the entire subduement of any subject of property by force of arms; the right of property therefore which one man may possess over another, is to be acquired in the first instance by "*Isteela*" (as defined above), cannot be obtained originally by purchase, donation, or heritage, &c. It follows, that all persons in a state of bondage, over whom the right of property has not been obtained by "*Isteela*" (as above explained), or the offspring of parents over whom the above right of Isteela was not acquired, are, by the Mussulman law, free, and that it is the duty of the Hakim, or persons claiming their freedom, over whom the right of property derived from "*Isteela*" cannot be legally established or traced, to emancipate and declare such persons of either sex free by a legal recorded decision, which shall secure to them the future enjoyment of that freedom. It also appears by this answer, that although legal bondage be established, the circumstance of subsequent conversion to the faith is a bar to the power of death, which the proprietor originally possessed over all slaves over whom the right of property

sary consequence of original infidelity, the subsequent conversion to Islam does not affect the prior state of bondage to which the individual has been regularly rendered liable by Isteela, provided this be clearly established. From this it is evident that the same rules are applicable to slaves of both sexes. If slaves are afterwards sold or given away, by the Imaum or by the Ghazees, who shared at the distribution, or if they should become the property of another by inheritance, they then become slaves under the three different classes of purchase, donation, and inheritance.

If a female should bear offspring by any other than by her legal lord and master, whether the father be a free men or a slave, and whether the slave of the said master, or of any other person, in any way of these cases, such offspring is subject to slavery, and these are called Khanazad, *i. e.* born in the family; but, if the children be the avowed and acknowledged offspring of the right owner, they are then free, and the mother of them (being the parent of a child by her master) becomes, at his decease, free also; and this rule is applicable to all their descendants to the latest posterity.

The practice among free men and women, of selling their own offspring, during the time of famine, is extremely improper and unjustifiable, being in direct opposition with the principle above stated, *viz.* that no man can be a subject of property except an infidel taken in the act of hostilities against the faith. In no case then can a person legally free, become a subject of property, and children not being the property of their parents; all sales or purchases of them, as any other articles of illegal property, are consequently invalid. It is also illegal for any free man to sell his own person, either in time of famine or though he be oppressed by a debt which he is unable to discharge. For in the first of these cases a famished man may feed upon a dead body, or may rob another; and a distressed debtor is not liable to any fine or punishment.

We are not acquainted with the principal or detailed circumstances which led to the custom prevailing in most Mussulman countries, of purchasing and selling the inhabitants of Zanguibar, Ethiopia, Nubia

property was in fact obtained by "*Isteela*;" but that the above conversion does not affect the prior state of bondage &c. &c.

That the same rule is applicable to slaves of both sexes.

Slaves sold or given away by the Imaum or the Ghazee, *i. e.* conquerors or victorious troops who shared at the distribution, or if afterwards they become the property of another by inheritance, they continue slaves under the different rights of purchase, donation, and heirship.

It appears by the Mussulman law that the offspring of a female slave, whether by a freeman or a slave of any description, except by her master, such offspring are slaves, and are called Khanazad, *i. e.* born in the family. If however the offspring shall be acknowledged by the master, they shall be free and the mother also, at the death of her owner, becomes free; and this also emancipates their descendants to the latest posterity. It may be inferred from the provision here noticed, if, &c. that to entitle the child to freedom, and the mother to emancipation, on the death of his *lord, his acknowledgment*, and that he is the father, the offspring of the slave is *necessary* to give the law force. Here the principles pursued by European legislation are reversed, and there are many obvious motives that may induce the owner to deny his being the father of the child.

The sale of their offspring by free men or women is declared to be *extremely improper* and *unjustifiable*, being in direct opposition to the fundamental and only principle upon which a Mussulman's right to a slave exists, *viz.* that no man can be a subject of property except an infidel taken in the act of hostilities against the faith. All sales and purchases of the above described offspring, as of any other articles of illegal property, are invalid.

It is also declared by the Mussulman law, as here developed, that a free man cannot sell his own person.

The law officer here states his unacquaintance with the circumstances which led

Nubia and other negroes; but the ostensible causes are, either that the negroes sell their own offspring, or that Mussulman or other tribes of people take them prisoners by fraud and deceit, seize them by stealth from the sea shores. In such cases, however, they are not legally slaves, and the sale and purchase of them is consequently invalid. But if a Mussulman army, by order of an Imaum, should invade their country, make them prisoners of war by force of arms, they are then legal slaves, provided that such negroes are inhabitants of a country under the control and government of infidels, and in which a Mussulman is not entitled to receive the full benefit and protection of his own laws. With regard to the custom prevailing in this country, of hiring children from their parents, for a very considerable period, such as for 70 or 80 years, and under this pretext making them slaves, as well as their produce also, under the denomination of Kharazad (domestic slaves) the following laws are applicable; viz. It is lawful and proper for parents to hire out their children on service, but this contract of hire becomes null and void when the child arrives at the years of discretion, as the right of parentage then ceases; a free man, who has reached the years of discretion, may, however, enter into a contract to serve another, but not for any great length of time, such as for 70 years; as this also is a mere pretext, and has the same object of slavery in view, whereas the said free man has the option of dissolving any contract of hire under either of the following circumstances; 1st. It is the custom in *contracts* of this nature, for a person hired on service, to receive a compensation in money, clothes and food, as the price of hire; any day therefore that a servant receives such a compensation, he is in duty bound to serve for that day, but not otherwise. 2dly. The condition of contract of hire requires that the return of profit be equal to the price of hire, and this cannot be ascertained but by degrees, and in course of time. The contract of hire therefore, becomes complete, or fulfilled according to the services or benefit actually rendered in return for the price of hire received, and the person hired has consequently the option of dissolving the contract at any moment of the period originally agreed for.

It is however unavoidable and actually necessary in contracts of a different nature, such as in rent of land, &c. that the lessee should not have this power, but reverting to contracts of hire for service for a long period, the nefarious practices of subjecting free men to a state

led to the prevalence of the custom in most Mussulman countries, of purchasing and selling the inhabitants of Zanguibar, Ethiopia, Nubia and other negroes, nor is the enquiry of any consequence to the British government, they are evidently not legally slaves by the Mussulman law.

It however appears, that if a Mussulman army, by the orders of an Imaum, should invade any or all of the above countries, and make prisoners of war by force of arms, they would then be legal slaves, provided that such negroes were inhabitants of a country under the control of infidels, and in which a Mussulman was not entitled to receive the full benefit and protection of his own laws. Parents, by this paragraph of the replies, are not entitled to hire their children for any period that extends beyond the years of discretion; therefore any claim to a slave, on this pretence, under any denomination, is invalid.

A free man, arrived at the years of discretion, may contract to serve for a reasonable, not a great length of time, such as 70 years; but it is here stated, that the said free man so contracting, is to receive a compensation, and is compelled to serve for that day for which he has received compensation, but not otherwise; the person hired has consequently the option of dissolving the contract at any moment of the period originally agreed for. It is observable, that this is contrary to the nature of all contracts, which are or ought to be, specific and mutual; but the Mussulman law assigns reasons in the subsequent paragraph of the answer on which I am remarking, explanatory of the causes which render this contract different from others, such as rents, &c. where the lessee has not this power, and those reasons are more enlightened, and shew a greater anxiety for the personal liberty of the individual than is commonly to be found amongst the laws of Mahommed; viz. that adverting to the contract of hire for service for a long period, and to the nefarious practice of subjecting free men to a state of bondage, under this pretence, it was necessary to provide against such abuses; with this view, it is declared that a free man is restricted by the Mussulman law from contracting to serve for a period of more than one month, a year, or three years at the utmost.

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a state of bondage and slavery, under this pretence, it appears expedient to provide against such abuses, and with this view to restrict the period for service in all contracts of hired freemen to a month, one year, or the utmost to three years, as in cases of Ijanawugh, a form of endowment.

It is customary also among the Zanane Towaf, *i. e.* women who keep sets of dancing girls, to purchase female free children from their parents, or by engagements directly with the children themselves; exclusively of the illegality of such purchases, there is a further evil resulting from this practice, which is, that the children are taught dancing and singing for others, and are also made prostitutes, both of which are extremely improper and expressly forbidden by the law.

Here is stated a custom existing amongst the Zanane Towaf, *i. e.* "women "who keep sets of dancing girls," of purchasing female free born children from their parents or others, or making engagements with the children themselves, to be taught the practice of dancing and singing for others, and also for the immoral and licentious purpose of being made prostitutes, both of which are allowed to be extremely improper and expressly forbidden by the law. The extent of the above evil would be best ascertained by a few appropriate queries put to the several magistrates, but more especially to those of the large or principal cities; the result would at once open the eyes of government to an evil which loudly calls for the interference of the legislature, on every principle of humanity, morals and policy.

Second.

Question 12th.—What legal power are the owners of slaves allowed to exercise upon the persons of their slaves, and particularly of their female slaves?

Answer 13th.—The rightful proprietor of male and female slaves has a claim to the services of such slaves to the extent of their power and ability, *i. e.* he may employ them in baking, cooking, in making, dying, and washing clothes; as agents in mercantile transactions; in attending cattle, in tillage or cultivation; as carpenters, ironmongers and goldsmiths; in transcribing; as weavers, and in manufacturing woollen cloths; as shoemakers, boatmen, twisters of silk, water drawers; in shaving, in performing surgical operations, such as cupping, &c. as farriers, bricklayers and the like; and he may hire them out on service in any of the above capacities; he may also employ them himself, or for the use of his family in other duties of a domestic nature, such as in fetching water for washing on evazoo (religious purification) or anointing his body with oil, rubbing his feet, or attending his person while dressing, and in guarding the door of his house, &c. He may also have connexion with his legal female slave, provided she is arrived at the years of maturity, and the master or proprietor has not previously given her in marriage to another.

There is nothing objectionable in the duties here stated to be lawfully demandable from slaves of both sexes.

The obvious immorality, and the great impolicy and inhumanity of the licentious authority stated in this answer, requires no comment. The law officer, although he has stated in part the truth, has not embraced the whole truth, the Islamite has the power by the Mussulman law, of exercising as well with his female slaves, licentious intercourse, at the mention of which modesty recedes with blushes and humanity shrinks from with horror.

Third.

Question 14th.—What offences upon the persons of slaves, and particularly of female slaves, committed by their owners or by others, are legally punishable, and in what manner?

Answer 15th.—If a master oppress his slave by employing him on any duty beyond his power and ability, such as insisting upon his carrying a load which he is incapable of bearing, or climbing a tree which he cannot, the hakim or ruling power may chastise him. It is also improper for a master to order his slave to do that which is forbidden by the law, such as putting an innocent person to death, setting fire to a house, tearing the clothes off another, or to prostitute himself by adultery and fornication, to steal or drink spirits, or to slander and abuse the chaste and virtuous; and if a master be guilty of such like oppressions, the hakim may inflict exemplary punishment by Fazir and Ucqubut Shukool Illah, literally, the right of God and *meaning* on principles of public justice.

It will be allowed that the spirit which limits and enumerates the employments which a master is hereby forbidden to extort from his slaves, under the penalty of being liable to exemplary punishment by the hakim, on principles of public justice, is humane and proper, and might be sufficient for the purpose of good order and government, were it possible that the spirit of the law could be carried into effect. But that this is grossly the reverse must be obvious to the commonest understanding. To any man acquainted with the manners and customs of the natives, no argument is necessary to prove that the reverse is the case, and it is hardly necessary to remark on the degree of suffering that a poor, illiterate, wretched and desponding slave will submit to from his lord, whom, from infancy perhaps, he has been accustomed to look upon, with trembling anxiety, as the sole arbiter of his fate, upon whose whim or pleasure all the little happiness, or rather the absence of misery, which he hopes to experience entirely depends. Is it likely that a slave under such circumstances should dare to apply to the hakim or ruling power for redress. I am afraid those who deem such specious dead letter a sufficient security to preserve a fellow-creature from oppression, are little acquainted with the operations of the human mind, and the effect of habitual depression and gross ignorance on one part, and of arrogance and power on the other.

The justice of this law is ostensibly the same as the points above remarked upon, but that it is also a *dead letter* is also true, and the degrees of punishment are always almost excessive on such occasions, as must always be the case when the offended party, under the influence of passion, is the arbiter of the degree of punishment; every principle of law forbids this criterion.

It is further unlawful for a master to punish his male or female slave for disrespectful conduct, and such like offences, further than by sadeeb (slight correction or chastisement) as the power of passing sentence of tazeer and gizes is solely vested in the hakim. If, therefore, the master should exceed the limits of his power of chastisement above stated, he is liable to tazeer. If a master should have connection with his female slave before she has

If a master, excited by lust, unrestrained by shame, or by habit, which is too often the case from secrecy and opportunity, shall have connection with a female slave before she has arrived at the years of maturity, if the female slave should in consequence be severely injured or die, what is the consequence? The ruling power may punish him as before defined. Great God! shall a British government sanction so horrid a law?

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arrived at the years of maturity, and if the female slave should in consequence be seriously injured, so that *uterque naturæ mentus in unum coeat*, or should die, the ruling power may punish him by tazeer and Uquobut Hagool Jillah, as bedefined.

Fourth.

Question 16th.—Are slaves entitled to emancipation upon any and what maltreatment, and may the courts of justice adjudge their emancipation upon the proof of such maltreatment. In particular, may such judgment be passed upon proof that a female slave has, during her minority, been prostituted by her master or mistress, or that any attempt of violence has been made upon her person by her owner?

Answer 17th.—If the master of male or female slaves should oppress or tyrannize over them by treating them unjustly, stinting them in food, or imposing upon them duties of a difficult and oppressive nature, so as to cause them affliction and distress, or if a master should have connection with his slave girl before she has arrived at the years of maturity, or should give her in marriage to another, with permission to cohabit with her in this state, such master sins against the divine laws, and the ruling power may punish him by tadeeb and tazeer hugool jillah, but the commission of such crimes by the master does not authorize the manumission of the slave, nor has the hakim any right or authority to grant them emancipation.

Adverting, however, to the principle upon which the legality of slavery is originally established, viz. that the subject of property must be an infidel, and taken in the act of hostilities against the faith; and also to the several branches of legal slavery arising from this principle, as by purchase, donation, inheritance, and khanazadee. Whenever a case of possession of an unlawful male or female slave should be referred to the hakim for investigation, it is the duty of the hakim to pass an order according to the original right of freedom of such individual, to deprive the unjust proprietor of possession, and to grant immediate emancipation to the slave.

(signed and sealed)

Soorajoddeen Ullee, and
Mahomed Rashed.

The purport of this question appears to be ascertained, whether on any and on what maltreatmant a slave is entitled to emancipation on proof, and whether the courts of justice are entitled to pass such judgment, particularly on females being prostituted by their master or mistress during their minority, or on any attempt of violence being made on their persons.

From the reply to this question, it appears that acts of tyranny and oppression, and even violation of the person of a female slave, before she is at the years of maturity, by the master, or the crime of giving her in marriage, and in that immature state granting permission to the husband to cohabit with her, are declared, as they truly are, crimes against the divine laws, and the ruling power may punish by stripes, but it is to be observed that, by the Mussulman law, the commission of these crimes by the owner does not entitle the wretched slave to manumission, nor has the ruling power the right to grant her emancipation.

Humanity, which is shocked at the idea of its being a question whether or not British legislation shall sanction so diabolic a law, under the impressions of horror and disgust which every humane mind must feel at the depravity of such inhuman laws, which cannot fail to debase the human mind to the injury of society, to morality and religion, is relieved by the perusal of the next sentence.

Adverting to the principle upon the legality of slavery is originally established, viz. *that the subject of property must be an infidel*, taken in the act of hostilities against the *faith*; and also to the several branches of legal slavery which shoot from this root on principle, purchase, donation, inheritance and khanazeed, whenever a case of possession of an unlawful

lawful male or female slave, that is to say, who is not himself or herself under the original description of an infidel taken in the act of hostilities against the faithful under an imaum, or descended from a person of the above description, over whom the right of property has not been obtained by one of the modes described, purchase, donation, inheritance or khanazeed, shall come before the hakim or ruling power, to pass an order recording the original right of freedom of such individual, and to deprive the unjust proprietor of possession, and to grant an immediate emancipation.

Questions put to the Pundit by the Nizamut Adawlut.

1st Question.

Answer, par. 18.—There are fifteen different sorts of male and female slaves, as follows.

1st. Girch Jat; *i. e.* one born of slave girl.

2d.—Keerut; *i. e.* one bought for a price either from the parents or from a former owner.

3d.—Lubdhi; *i. e.* one received in donation,

4th.—Doyada Pagut; *i. e.* one acquired by inheritance.

5th.—Unakal Bhirt; *i. e.* one maintained or protected in time of famine.

6th.—Aheet; *i. e.* a slave pledged by his master.

7th.—Rumdas; *i. e.* a distressed debtor, voluntarily engaging to serve his creditor for a stipulated period.

8th.—Joodh Puraput; *i. e.* one taken captive in war.

9th.—Punjeel; *i. e.* won in a stake or gambling.

10th.—Oapgut; *i. e.* one offering himself in servitude without any compensation or return.

11th.—Prub Burjeed Busit; *i. e.* a Brahmin relinquishing a state of religious mendicity, which he had voluntarily assumed. An apostate mendicant, however, is the slave of the rajah or governor only.

12th.—Ketkat; *i. e.* stipulated, or one offering himself in servitude for a stipulated time.

13th.—Bhogut Dos; *i. e.* one offering himself in servitude for the sake of food.

14th.—Burbar Chirt; *i. e.* one becoming a slave on condition of marriage with a slave girl.

15th.—Atmee Bekreeta; *i. e.* self-sold, or one who has sold himself for a price.

These fifteen sorts of slaves are declared by Narada Munie, according to

Remarks.

Of the injustice and unreasonableness of the whole of the description of slaves sanctioned by the Hindoo law on the acknowledged principles of natural freedom, or on principles of expediency and humanity, few men I conceive will doubt; and to enter into argument to prove this self-evident perversion of the laws of nature and of God, which are written in the hearts of all enlightened men, would not only exceed the limits which respect and duty prescribe to me, but would be a waste of intellect; and I am confident such wide spread degradation of the human race can never on serious consideration, be authorized by an enlightened British government.

It is observable that the Hindoo law, as here expounded, confuses the idea of slavery and servitude as in the 7th and 12th. The 8th and 9th description of slavery require no comment. The 10th is hardly a possible case; and if it were, it is contrary to the principle of reason; but it were labour lost to object to parts, where the whole is so unreasonably and grossly objectionable and contrary to the laws of God and of nature.

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the undermentioned authorities, viz. Mit, Uchria, Uprush, Ruknakar, Bebad, Chinta, Munee, Kulputroo, Sumret, Sar, Beebad, Tandub, Sumerhee, Sumucheea, Madhubheea, and others.

Second Question.

Answer, 19.—The owner of a male or female slave, may require of such slave the performance of impure work, such as plaistering and sweeping the house, cleaning the door, gateway and necessary; rubbing his master's naked body, *bunudome nehanu*, with oil, and clothing him; removing fragments of victuals left at his master's table, and eating them; removing urine and human ordure; rubbing his master's feet and other limbs, &c. In cases of disobedience or fault committed by the slave, the master has power to beat his slave with a thin stick, or to bind him with a rope; and if he should consider the slave deserving of severe punishment, he may pull his hair or expose him upon an ass; but if the master should exceed this extent of his authority, and inflict punishment upon his slave of a severer nature than above stated, he is liable to pay a fine to the hakim or ruling power, of a thousand puns of khar mahozrens, eight thousand cowries. This is declared by Munnoo, according to Patnakar, Behbad, Chinta, Munnie, and other authorities.

The facility and impunity with which power can tyrannize over a wretch in a state of bondage and absolute dependence, requires no argument; and what is the punishment if, against all chance or hope, the tyrant is brought to trial, and even to conviction? A pecuniary fine.

Third Question.

Answer 20th.—A master has no right to command his male or female slave to perform any other duties besides those specified in the answer to the second question, or authority to punish his slave further than in the manner before stated, and if he should exceed this discretionary power in either case, he is liable to the same penalty, viz. one thousand puns of cowries. This is declared by Munnoo and Beshie.

The foregoing remarks are equally applicable to this answer.

Fourth Question.

Answer 21st.—The commission, however, of offences of the above nature by the master, does not affect the state of bondage of the slave; and the ruling power has not the right of granting his manumission; but if it should be established in evidence before the hakim, that any person having stolen or inveigled away, by fraud and treachery, a child or slave, had afterwards sold him to another, or that any person had compelled another into a state of slavery by force or violence, the ruling power may then order the emancipation of such child or slave; and if a master or any other by permission of the

It does not appear that the commission of any, or all of the offences supposed in the fourth question, affect the state of bondage in the sufferings of the wretched slave, nor by the Hindoo law has the ruling power the authority of emancipating the injured bondsman, even under all the above maltreatment, but a treacherous inveigling away of a child and selling it as a slave, or the subjecting to slavery by force and violence are declared illegal, and the ruling power may emancipate such child or slave.

Should however a master or any other by permission of the owner cohabit or rather

the master should cohabit with a slave girl before she has arrived at the years of maturity, and this fact be proved, the ruling power may sentence such offender to pay a fine of 50 puns of cowries, but cannot emancipate the slave girl.

Whenever a slave girl has borne a child by her master, such slave, together with the child, becomes free, and the ruling power should sanction their emancipation.

This is the law declared by Jak Bulk Mannoo and Kutoobun, according to Mittuchora and other authorities.

(signed) *Chattoor Bhooj Necarutun.*
Chiterput Oapadhea.

rather be connected with a slave girl before she has arrived at the years of maturity, and the fact be proved, the ruling power may sentence the offender to fifty puns of cowries. Good God! here a crime, most monstrous, by which the laws of nature are outraged, and not only the utility of the sufferer in the creation as a female risked, but even her life may be affected, is punishable by a pecuniary fine! I suppose for the benefit of the ruling power.

22.—The foregoing being the Mussulman law, as expounded by the Mussulman law officers, and the Mussulman law being the law by which we govern in cases of life and limb, surely it ought to be extended to personal freedom, for from personal freedom alone can life or limb, the first gifts of nature, acquire their due value. The foregoing, I think, will be admitted, and investigation will render it evident that at the present moment of the many thousands male and female slaves held in bondage in the Company's dominions, and subject to the grossest usage, prostitution, and every other depravity, under the pretence of slavery being sanctioned under the Mussulman law, not a single man or woman exists to whom the right of property, on the principle laid down by that law, can possibly be proved and established. The mode, therefore, of remedying the gross evils that do exist on this head, is as easy as it is obvious. Enforce the spirit and letter of the Mussulman law as it applies to slaves, and as far as that portion of the inhabitants of our Indian possessions are concerned. You remedy the evil, and give the blessing of liberty to thousands, and that without infringing a particle of the Mahomedan religion; on the contrary, so far as this regulation is connected with the Mussulman religion, you only check a licentious deviation from the principles of Mahomedan law and religion on the point in question. To prove that this is the case, let the two following questions to be put to the Mahomedan law officer:

1st.—Who is legally entitled to the designation of an "Imam," as alluded to by the molavy in his reply to the first question put by the court of Nizamut Adawlut?

2d.—Is there now existing in the Company's dominions a "Hurbee," or a person male or female, over whom the right of slavery can be proved on the principle laid down by the Mussulman law?

23.—The answers to the above queries, (and on that result I rest the question), I am satisfied will decide the point, and prove that, by an enforcement of the spirit and principles of the Mussulman law, a total stop would be put to the horrid practice of slavery, which, wonderful and almost incredible to state, exists contrary to law and reason throughout our dominions in India, to a degree scarcely to be believed; not a Mussulman family of even mediocrity that has not numbers both of male and female slaves. The people about their persons, and the female attendants on their women, are almost all slaves; and to my certain knowledge they have slaves for the purpose of cultivation and field labour.

24.—It may now be proper to consider the subject as far as it is stated to be admissible by the Hindoo laws, and to offer some remarks upon the answers given by the pundit to the questions by the court of Nizamut Adawlut, as explanatory of the Hindoo laws with respect to slavery.

25.—It is presumable that the Hindoo law, as expounded by the foregoing replies to the questions put by the court of Nizamut Adawlut, refers exclusively to the practice and exercise of that law under a Hindoo government, and that such a law has never for many centuries been sanctioned or permitted to be acted upon under the Mussulman government, in that part of Hindoostan now subject to British control. This may be agreed and inferred, from its being in direct opposition to the principles laid down by the Mussulman law on the subject of slavery. If then this reasoning be correct, it follows that neither reason or justice can require a restoration of the exercise of the unreasonable and unnatural laws of slavery to the Hindoos, any more than that a restoration should be made to them of the

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exercise and application of these criminal laws. We received the control, and acquired the dominion of the principal part of our territories from the Mussulman government, and as far as I am informed, we govern by the Mussulman laws, with some modifications, on principles of equity, both in civil and criminal matters, and excepting in civil cases of heirship, marriage and caste, and points in which religion is involved. In criminal cases we are certainly governed by the Mussulman law alone, under some modifications found necessary, and, on reference to the expounders of that law, found admissible also.

26.—No objection has ever been made, that I am informed of, to the general application of the Mussulman law in criminal cases. We have no hesitation in trying, sentencing and executing a Hindoo by the Mussulman law; on what principle then of reason, humanity, or even expediency, shall we hesitate to apply the principles of the Mussulman law a little further, particularly when the extension of that application has for its object the removal of an evil, depressive to the dignity of the human species, and giving room for the secret exercise of tyranny, and the commission of crimes of the grossest kind.

27.—To liberate slaves, and refrain even from the infliction of bondage on a fellow-creature, is acknowledged by the orthodox in both religions to be an act highly praiseworthy and acceptable to the Ruler of the universe. A Mussulman, I think it is proved, cannot, in the British dominions, by the spirit and conditions of his own religion, on which his laws are founded, have property in any human being. Then, in the exercise of our duty as legislators over a people which God, for wise purposes, has allotted to our governance, and will require that we administer our control for the promotion of religion, morality, and virtue, on which natural happiness is dependent, why should we allow a Hindoo to exercise a right long dormant, (if several centuries are prescriptive,) and in itself contrary to the acknowledged laws of God, of reason, and of nature.

28.—I am most sensible of the inadequacy of my abilities to do justice to the important subject which I have presumed to bring under discussion, and I pray God it may be taken up and pursued by a more able advocate, of which I do not despair, for it requires the mind to comprehend and dwell upon it only for a moment. Every thinking and well meaning man must wish to secure the blessings of freedom to every human creature; and I trust I shall soon see the happy day when, by the recommendation of the abolition of slavery throughout the British Indian dominions, the court of Nizamut Adawlut may reserve the gratitude of the numerous inhabitants of Bengal, &c. &c. that populous and valuable portion of our dominions; and when, by the adoption of that recommendation, and the sanction of a law abolishing slavery, as above stated, the present supreme government may ensure the veneration and blessing of posterity.

29.—Whatever may be the result of my public endeavours on this occasion, conscious of the rectitude of my intentions, I shall ever reflect upon them with that heartfelt satisfaction attendant on an honest endeavour to discharge my duty, and promote the relief of my oppressed and suffering fellow-creatures.

30.—Under the above impressions I submit the accompanying imperfect sketch of a Regulation as directed, and in short the whole subject, to the enlightened consideration of the court of Nizamut Adawlut; and were I not perfectly confident that my humble endeavours will meet with the most liberal and serious consideration, I should request that my former and present letter on the subject of slavery might be submitted to the consideration of the Right honourable the Governor General in council, with such observations and remarks as the enlightened wisdom and legislative knowledge of the court may deem proper. The entire reliance which, however, I have on, and the respect which I entertain for, the liberal justice of the court, and for every individual of which it is composed, render that request unnecessary, if not improper; and I dismiss my present labours, not with indifference, for I am deeply interested in their success, but with the most implicit and most confident reliance that the subject will receive the serious discussion and consideration it so well merits, and with that satisfaction which arises from meaning well.

I have, &c.

(signed) *J. Richardson,* Judge and Magistrate, Zillah Bundlecund.

Zillah Bundlecund, Fouzdarry Adawlut, 24th June 1809.

P. S.—Having submitted this imperfect draft of a regulation to the consideration of the court, according to its provisional instructions, it is unnecessary to add, that notwithstanding the information conveyed in the questions put to the Mahomedan and

and Hindoo law officers, and their answers on the subject of slavery, and forwarded in Mr. Bayley's letter, I am still of opinion that great alterations are indispensable in the application of the law, and in the practice, with regard to slaves throughout the dominions dependent on the Bengal government, whether we consider the question either as a measure of justice and policy, or as spreading wider the blessings of personal freedom and increasing the stock of human happiness. On the above considerations I solicit and rely upon the aid of the court of Nizamut Adawlut to supply my deficiencies to promote so great a purpose as that of liberating a great portion of our fellow creatures from bondage, and preventing slavery throughout the British dominions in future.

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(signed) *J. Richardson*, Judge and Magistrate.

(A true copy.) (signed) *M. H. Turnbull*, Register.

Draft of a proposed Regulation.

N° 53.

A Regulation for checking and reforming the abuses that have crept into practice, and at present exist with respect to slavery within the British dominions subordinate to the presidency and government of Fort William in Bengal, passed by the Governor General in council, on corresponding with the of Sumbut, and the Higeree.

I.—The state of slavery as it at present exists, and is practised throughout the British dominions subordinate to the presidency and government of Fort William in Bengal, having come publicly under the consideration of the supreme government; and the Governor General in council, adverting to the principles of sound policy which have uniformly guided and directed the British legislature, and his predecessors in the supreme government, for the purpose of extending and securing the the blessings of freedom and justice to the inhabitants of British India, has deemed the subject of such importance as to call for his most serious consideration; and it appearing to the conviction of the Governor General in council that great abuses which slavery has given rise to, actually do exist; and the Governor General in council being of opinion that immediate measures are indispensably necessary to be adopted with a view to remedy the above evils and abuses. The Governor General in council, after the most mature deliberation, is of opinion, that no reason exists why the state of slavery throughout the British possessions should not be determined by the Mahomedan law. The British government having acquired the right of legislation from a Mussulman power in previous possession of these territories for centuries, and having adopted the Mahomedan laws, particularly in all criminal cases, and indeed in all judicial cases, except those of heirship, marriage, caste, or matters connected with religion. On the foregoing principles and considerations, and there being no definitive rules or regulations yet adopted or fixed on the subject of slavery for the guidance of the judicial authorities on claims to the slaves being preferred by persons assuming the right of property over slaves, or persons considered slaves asserting or demanding their freedom, the Governor General in council is pleased to enact as follows:

The reason for passing this regulation.

II.—All claims or disputes respecting slavery, whether on the part of an assumed owner to assert the right of property over a slave, male or female, or on the part of a reputed slave, male or female, to procure their liberty from unjust control, shall be cognizable by the magistrate, and the plaint is to be received and acted upon without being sworn to.

All disputed points respecting Slavery made cognizable by the magistrate.

III.—The Governor General in council, with a view to apply the most speedy and effectual remedy possible to the existing abuses on the subject of slavery, and deeming it proper that the Mahomedan law shall be applied to define what descriptions of slaves are lawful, has therefore thought proper to insert, in the following section of the present Regulation, the first question put by the court of Nizamut Adawlut to the Molavies of that court, together with the answer of the above law officers, and to resolve and direct that the spirit and letter of the said question and answer shall hereafter be the rule and guide by which the magistrates shall conduct their investigations and decision in all cases of slavery, whether the parties asserting the right of property over a slave be a Mahomedan or a Hindoo, or any other person of whatsoever religious persuasion amenable to the jurisdiction of the court. By this means, having a fixed rule, the magistrates will be relieved from the necessity of reference to the Mussulman law officers, as well as from errors which might arise in stating the questions submitted, or from the possible want of intelligence in the law officers of the subordinate courts; and a fixed rule will exist for the guidance of the magistrate on an irrefragable question which depends upon one

The Mahomedan law made the rule and standard for deciding all disputes respecting Slavery.

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one fixed principle of law, unlike other litigated points which take innumerable shapes, and often depend on as many varied circumstances as there are cases.

IV.—The question and answer hereby directed to have full force in determining all claims to slavery are as follows; *viz.*

The above Mahomedan laws defined.

Question,—What descriptions of slaves are authorized by the Mahomedan law?

Answer,—All men are by nature free and independent, and no man can be a subject of property, except an infidel inhabiting a country not under the power and control of the faithful. This right of possession which the Moslems have over Hurbees, *i. e.* infidels fighting against the faith, is required by "Isteela," which means the entire subduement of any subject of property by force of arms. The original right of property, therefore, which one man may possess over another, is to be acquired solely by "Isteela," (as defined above,) and cannot be obtained in the first instance by purchase, donation, or heritage. When, therefore, an imaum subdues by force of arms any one of the cities inhabited by infidels, such of them as may be taken prisoners become his rightful property, and he has the power of putting them to death, or making them slaves, and distributing them as such among the ghazees, (*i. e.* victorious soldiers, particularly when fighting against infidels,) or he may set them at liberty in a Mussulman country, and levy the capitation tax; should he make them slaves, they become legal subjects of property, and are transferable by sale, gift, or inheritance; but if, after they should become convert to the faith, "Islam," the power of death over them, is thereby barred, though they would continue slaves; for slavery being the necessary consequence of original infidelity, the subsequent conversion to Islam does not affect the prior state of bondage, to which the individual has been regularly rendered liable by Isteela, provided this be clearly established. From this it is evident, that the same rules are applicable to slaves of both sexes. If slaves are afterwards sold or given away by the imaum, or by the ghazees, who shared in the distribution, or if they should become the property of another by inheritance, they then become slaves under the three different classes of purchase, donation, and inheritance.

2d.—If a female slave should bear offspring by any other than by her legal lord and master, whether the father be a free man or a slave, and whether the slave of the said master or of any other person, in any of these cases such offspring is subject to slavery, and these are called Khanaza; *i. e.* born in the family. But if the children be the avowed and acknowledged offspring of the rightful owner, they are free, and the mother of them (being a parent of a child by her master) becomes at his decease free also; and this rule is applicable to all their descendants, to the latest posterity.

3d.—The practice among free men and women of selling their own offspring during time of famine, is extremely improper and unjustifiable, being in direct opposition with the principle above stated, *viz.* that no man can be a subject of property except an infidel taken in the act of hostilities against the faith. In no case, then, can a person, legally free, become a subject of property; and children not being the property of their parents, all slaves or purchases of them, as of any other articles of illegal property, are consequently invalid. It is also illegal for any free man to sell his own person, either in time of famine, or though he be oppressed by a debt which he is unable to discharge; for in the first of these cases, a famished man may feed upon a dead body, or may rob another, and a distressed debtor is not liable to any fine or punishment.

4th.—We are not acquainted with the principles or detailed circumstances which led to the custom prevailing in most Mussulman countries of purchasing and selling the inhabitants of Zanguibar, Ethiopia, Nubia, and other negroes; but the ostensible causes are, either that the negroes sell their own offspring, or that Mussulmen or other tribes of people take prisoners by fraud and deceit, or seize them by stealth from the sea-shores. In such cases, however, they are not legally slaves, and the sale and purchase of them is consequently invalid. But if a Mussulman army, by orders of an imaum, should invade their country, and make them prisoners of war by force of arms, they are then legal slaves, provided that such negroes are inhabitants of a country under the control and government of infidels, and in which a Mussulman is not entitled to receive the full benefit and protection of his own laws.

5th.—With regard to the custom prevailing in this country of hiring children from their parents for a very considerable period, such as for seventy or eighty years, and under this pretext making them slaves, as well as their produce also, under the denomination of khanazad (domestic slaves), the following laws are applicable;

cable; *viz.* It is lawful and proper for parents to hire out their children on service, but this contract of hire becomes null and void when the child arrives at the years of discretion, as the right of parentage then ceases. A free man who has reached the years of discretion may, however, enter into a contract to serve another, but not for any great length of time, such as for seventy years, as this also is a mere pretext, and has the same objects of slavery in view; whereas the said free man has the option of dissolving any contract of hire under either of the following circumstances:—1st. It is the custom in contracts of this nature for a person hired on service to receive a compensation in money, clothes and food, as the price of hire; any day, therefore, that a servant receives such compensation, he is in duty bound to serve for that day, but not otherwise. 2dly. The condition of contract of hire requires that the return of profit be equal to the price of hire, and this cannot be ascertained but by degrees; and in course of time the contract of hire, therefore, becomes complete or fulfilled, according to the services or benefit actually rendered in return for the price of hire received, and the person hired has consequently the option of dissolving the contracts at any moment of the period originally agreed for.

It is, however, unavoidable and actually necessary, in contracts of a different nature, such as in rent of lands, &c. that the lessee should not have this power; but reverting to contracts of hire for service for a long period, and the nefarious practices of subjecting free men to a state of bondage and slavery under this pretence, it appears expedient to provide against such abuses, and with this view to restrict the period of service in all contracts of hire of free men to a month, one year, or the utmost to three years, as in cases of ijara wugf, a farm of endowment.

6th.—It is customary also among the zuman towaf, *i. e.* women who keep sets of dancing girls, to purchase female free children from their parents, or by engagements directly with the children themselves; exclusively of the illegality of such purchases, there is a further evil resulting from this practice, which is, that the children are taught dancing and singing for others, and are also made prostitutes; both of which are extremely improper, and expressly forbidden by the law.*

V.—Whenever a suit respecting slavery comes before the court, and the claimant and the slaves are not Mahomedans, the magistrate in all such cases where an assumed master is the plaintiff shall dismiss the suit, and pass a written order thereon, declaring the reputed slave free; and that if the plaintiff is hereafter guilty of exercising any undue authority over the person so liberated he shall be liable to the punishments stated in clause 11, section 8, of the present regulation. If the person claimed as a slave shall be the plaintiff, the magistrate shall call upon the opposite party, and require from him or her a short answer to the plaint without entering into an elaborate investigation, such as the examination of the bill of sale of witnesses, &c. the magistrate shall pass an order of court, declaring the party, male or female, over whom the right of slavery is asserted, free, and give the party thus emancipated a copy of the foregoing order of the court, under the signature of the magistrate and the seal of the court, and enter the above order in a register of emancipations, which each magistrate shall keep for the purpose of future reference; and the magistrate is to record the name, sex, age, and birth-place, when known, of each emancipated slave, with a short description of their persons, and any marks of visible peculiarities which may tend to identification.

VI.—When a plaint on account of a slave is instituted, and the person asserting the right of property over the slave shall be a Mahomedan, and the slave not a Mahomedan, in this case the magistrate shall, in the presence of the defendant, enter into an investigation of the case, and if, according to the letter and spirit of the Mahomedan law, as defined and explained in section IV. of this Regulation, the right of property over the slave shall not be proved, the magistrate shall pass an order of court, declaring the person over whom the right of property is asserted free; and the magistrate shall cause to be delivered to the person to whom his personal freedom shall be thus granted, a copy of the order, declaring him or her free,

* The first question put by the Nizamut Adawlut to the Mahomedan law officers on the subject of slavery, and the answers only are inserted in the above section, because it is taken for granted, that by the spirit and letter of the Mahomedan law as therein defined, no person in the Company's dominions can be proved a lawful slave. If this be a correct opinion, the root of slavery being thus extirpated, to define laws for the regulations of the shoots or branches would be superfluous; but on this point the wisdom of the court of Nizamut Adawlut and the Governor General in council, will consider and determine as may appear best.

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under the magistrate's signature, and the seal of the court. In the event of the right of property being proved, according to the spirit and letter of the Mahomedan law respecting slavery, as defined and explained in section IV. of the present Regulation, the magistrate shall pass an order of court, declaring the person over whom the right of property shall be thus proved, to be a legal slave, and furnish the plaintiff or proprietor with a copy of the said order, under his signature and the seal of the court, in like manner as the magistrate is directed to furnish the copy of the order of emancipation to the person over whom the right of property was asserted (when such order may be passed by the magistrate), as directed in the preceding section.

It is however supposed, that at the present time, it is hardly possible to establish the right of property of one man over another, according to the principle, the spirit, and the letter of the Mahomedan law. It is therefore strictly required that the magistrate pay the most scrupulous attention to the spirit and letter of the Mahomedan law, as defined and explained in section IV, of the present Regulations, in all decisions on slavery.

The sale of children prohibited.

VII.—The purchase and sale of slaves, male and female, having become so prevalent throughout the British dominions before defined, that parents, upon slight difficulties, or in years of scarcity, often far short of famine, sell their own children, and many profligate persons, both men and women, make a trade and practice of inveigling away and stealing the children of others, and selling them as slaves, and the purchasers, without making the least inquiry into the right of the sellers to dispose of such children, buy them without hesitation: It is therefore ordered, that all cutwalls of cities and darogahs of the police, of the Mofussil Thannahs, shall be most careful that after the receipt of the present regulation, they shall take mochulkas from all passbans, chokedars and other watchmen and zemindars, or other landholders, &c. engaging to give notice of every transaction of this sort, viz. the sale or purchase of slaves, that may occur, or be attempted within their jurisdiction; and whenever any person shall attempt to sell a child, or shall have sold the same, immediately on being informed thereof, the cutwall or darogah of police shall apprehend the seller with the child, and, if to be found, the purchaser also, and send them, together with the child, without delay, to the magistrate, and the magistrate, after their appearance in the court, if the person or persons who have sold or attempted to sell such child, shall be the parent or parents of the child, shall take from them a mochulkah, engaging not to sell their child, and liberate them. If any other persons than the parents shall, by deceit or theft, endeavour to sell a child into slavery, the magistrate shall commit such person or persons for trial, before the court of circuit at the next gaol delivery; and the person detected in purchasing or having purchased such child, for the purpose of making it a slave, shall be liable to the punishment stated in the following proclamation.

If the father or mother of such child attempted to be sold into slavery shall appear, they or either of them shall be the prosecutors, otherwise the vakeel of government is ordered hereby to prosecute on the part of government. In the event of the parents or relations of such a child not being forthcoming, the magistrate will adopt such measures for its preservation, as humanity and policy, in his opinion, render proper, and report the same to the court of the Nizamut Adawlut, in the monthly reports for further orders.

Second.—The magistrates shall, as soon as practicable after the receipt of this Regulation, publish the following proclamation throughout their several jurisdictions, and report the publication thereof to the Nizamut Adawlut.

PROCLAMATION.

WHEREAS, it has been made known to the Governor General in council, that it is a practice within the British Indian dominions, for parents to sell their children like any other property, although by the Mahomedan law, no parent has the right of property over their offspring; and that it is also a practice for evil minded profligate persons to inveigle away and to steal children, and to sell them into slavery, and that many people make no hesitation to buy such children, not only without the least inquiry into the right of the seller to dispose thereof, but on the contrary, that they often purchase such children, knowing the want of right in the seller. It is therefore proclaimed, That after the publication of this notification, if any person shall purchase a child, male or female, from the father or mother or from both, and the same shall be made known to the magistrate, whether by complaint instituted in the court or otherwise, the magistrate shall declare the child *free*, and emancipate it accordingly, and a sum equal to the price received, shall be forfeited to government by the parent or

or parents, and the purchaser shall be fined in an equal sum. If any person shall purchase a child from any person but its parent or parents, and such person shall have inveigled away and stolen the said child, the magistrate shall declare the child free, and after declaring the price paid to be forfeited to government, shall commit the seller for trial before the court of Circuit, and the purchaser, in addition to the loss of the price paid for such child, shall, if it be proved that he purchased the same with the knowledge of the child's being inveigled away or stolen, or otherwise fraudulently exposed to sale, shall be also committed for trial before the court of Circuit.

Reputed slaves, or all those of this description who conceive themselves suffering under illegal bondage, may apply and receive redress from the magistrate.

VIII.—The checks established in the foregoing section, it is confidently expected will prove effectual to prevent in future, the illegal and fraudulent sale of children, for the purpose of being made slaves; therefore the magistrates are directed, for the purpose of liberating and protecting in personal freedom, such persons as previously to the publication of this Regulation, may have suffered under unjust and illegal bondage, to publish an advertisement through their jurisdictions, to the following effect; viz.

ADVERTISEMENT.

WHEREAS it has been made known to the Governor General in council, that numbers of the human species, both of mature and immature ages, in consequence of the abuses that have imperceptibly and by degrees taken place with respect to slavery, are at this moment held in bondage, contrary to the spirit and letter of the Mahomedan law, the Governor General in council has therefore been pleased to enact a Regulation, in which the letter and spirit of the Mahomedan law shall in future be the standard and rule by which the magistrates throughout the British dominions, dependent on the presidency and government of Fort William in Bengal, shall hereafter investigate and decide upon all suits instituted regarding slavery, whether the right of property over a slave be claimed, or a slave shall claim his or her liberty: It is therefore hereby notified, That every slave, male or female, who is labouring under the oppression of illegal bondage, may complain to the magistrate. If it shall be proved that their bondage is contrary to the letter and spirit of the Mahomedan law, they shall receive a written document from the magistrate, declaring them *free*. If any person whatsoever who asserts the right of property over another, shall use any forcible means to prevent any one from instituting a suit to obtain freedom, or shall use any severity to a reputed slave on suspicion of an intention to introduce such suit, and information of the above force or severity shall reach the magistrate in any manner, whether by regular complaint or otherwise, the magistrate shall inquire into the case, and shall inflict such punishment, on proof, as the case may in his judgment require, previously to any investigation being made into the right of property asserted over the reputed slave; after this, the claim is to be investigated and decided upon according to the present regulations.

2.—The magistrates are empowered, in the event of proof being adduced of force being used to prevent complaints, or the institution of a suit for personal freedom on the part of a slave, or of using severity on suspicion of a slave intending to institute such suit being proved, to inflict, at their discretion, according to the nature of the case, fine or imprisonment; the first not exceeding 100 rupees, and the second not exceeding the space of three months, or to commit the person found guilty of either of the foregoing misdemeanors to be tried by the court of Circuit.

IX.—In case of any person being summoned by the magistrate, in conformity to the regulation, and the party so summoned shall abscond or conceal himself, or shall resist the orders of the magistrate, the process directed in the 2d and 4th sections of the 3d Regulation, 1804, shall be carried into effect against the offender.

Persons who consider themselves aggrieved by the decision of the magistrate, may have a revision of the suit before the Judge of Circuit

X.—Every person who may consider themselves aggrieved by the decision of the magistrate, may, on requisition presented in writing to that effect, have a revision of the suit by the judge of the court of Circuit, when they make the circuit of the zillah in which the suit was originally decided on, or at the court of Circuit to which such zillah is subordinate.

The Judge of Circuit to take up and act upon requisitions in writing for a revision.

XI.—The judges of the court of Circuit, on such requisition being made, shall immediately call for the proceedings of the magistrate on the suit stated, and examine the same, and if the plaint shall appear frivolous and vexatious, the judge of Circuit shall award such punishment as in his judgment the case may require, whether by fine or imprisonment, as may appear proper in his opinion, or confirm or alter the order of the court, as the case may in justice require.

The proclamation and advertisement contained in this regulation to be published twice a year for five years after promulgation, and once a year afterwards.

XII.—The magistrates shall be particularly careful that the cutwals of cities and the darogahs of the Mofussil police shall publish the proclamation and advertisement contained in this Regulation, once in every six months, for the space of five years after the present regulation, and after the expiration of the above period, once a year throughout their respective jurisdictions; and the cutwals and the darogahs of the Mofussil police are directed to certify the publication of the foregoing advertisements on the back thereof, and to return them to the magistrate, and the magistrate shall report the same to the Nizamut Adawlut, with the addition of his own signature and the seal of the court.

Defining the persons exempt from this Regulation.

XIII.—All persons exempt from the other regulations of government and the jurisdiction of the judicial courts, are declared to be exempted from this regulation also.

(True copy.) (signed) *J. Richardson*, Magistrate.
(signed) *M. H. Turnbull*, Register.

Extract from the proceedings of the Nizamut Adawlut, dated 11th January 1816.

N° 56.

Resolutions of the Court of Nizamut Adawlut on the Report of the Second Judge of the Moorshedabad court of Circut, dated 5th July 1815, at the close of the second Sessions of 1814.

Par. 2. of the Report.

3.—The court lament the existence of the practice mentioned in this paragraph, viz. men and women selling themselves or their children as slaves in time of distress. This practice is sanctioned by the Hindoo but not by the Mussulman law. If entirely abrogated and forbidden under legal penalties, without providing some means of saving the lives of those who are thus disposed of, with a view to prevent their perishing by famine, it is to be feared that more serious consequences might ensue than any now experienced. In proof of this, the court refer to a letter from the superintendent of the police in the upper provinces (Mr. W. Blunt), dated the 19th July 1814, relative to a misconstruction of Regulation X. 1811, for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the presidency of Fort William. This letter was in the following terms:

"Instances having frequently occurred, within the division of the western provinces, of persons having been apprehended by the police darogahs, and subjected to punishment for the imputed offences of having sold or purchased a slave or slaves, and it appearing that many of the local magistrates, and I believe all the police tannahdars, as well as the inhabitants generally of those provinces, consider such sale or purchase to be prohibited by Regulation X. 1811, under any circumstances whatever; I beg leave to submit, for the consideration and decision of the court of Nizamut Adawlut, whether such construction be just and conformable to the letter or spirit of the regulation, or whether the enactment alluded to has not exclusively reference to slaves imported from foreign countries. Conceiving that the object of the Regulation in question was exclusively the prevention of the importation of slaves by sea or by land from foreign states or countries for the purpose of traffic, and that it was by no means intended by that enactment to supersede the operation of the Mahomedan law, and to prohibit or to interfere with the purchase or sale of any slave or slaves within the limits of the Company's territories, who may not have been so imported, I submit, for the consideration of the court the expediency of this point being explained (should the above construction be correct), for the information and future guidance of the magistrates and their police officers, not only in order to obviate the recurrence of instances of the illegal apprehension and punishment of individuals for this supposed offence, but more particularly with a view to the preservation of the lives of the infants and children of the poorer classes of the inhabitants in these provinces, which in seasons of scarcity, similar to the last in which their parents may be unable to support them, must fall a sacrifice by famine to a mistaken principle of humanity, when those lives might not only have been preserved, but in all probability the future condition and happiness of the individual bettered and advanced under a state of bondage differing so widely, as that state is well known to do in Asia, from all other countries; and I believe the district of Agra furnished a dreadful example in the last year of the effects of the prohibition alluded to in the spectacle it presented of thousands of starving children, abandoned by their parents or expiring in their arms from hunger, whose lives might have been saved had their parents been suffered to dispose of them to the wealthier part of the community.

4.—The

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4.—The court had previously informed the magistrate of Agra, (in answer to a reference made by him in April 1812, that, adverting to the title and preamble of Regulation X. 1811, and to the bond required by section V. they understand the provisions in it to be applicable only to the importation of slaves for the purpose of being sold, given away, or otherwise disposed of; and on receipt of the abovementioned letter from the superintendent of the police, this construction was communicated through the courts of circuit to the several magistrates for their information and guidance.

5.—With regard to the practice now brought under consideration by the second judge of the Moorshedabad Provincial Court, it might, the court think, be prohibited by a regulation, without hazard of any serious ill consequences, if in cases of distress, such as now induce persons to sell themselves or their children as slaves, they were declared at liberty to dispose of their own services or those of their children for a limited period, such as would be sufficient to indemnify the purchaser, without subjecting the parties and their descendants to perpetual slavery. If this principle meet the approbation of government, the court will hereafter submit the draft of a regulation upon the subject, including also a provision for the judicial emancipation of slaves, proof of any cruel maltreatment, and any other provisions relative to slavery that may appear expedient on consideration of a regulation for checking and reforming the abuses that have crept into practice, and at present exist with respect to slavery, which was proposed in the year 1809 by Mr. J. Richardson, then judge and magistrate of Zillah Bundlecund.

6.—In consequence of a previous letter from Mr. Richardson, dated the 23d March 1808, the court, on the 28th of April following, put several questions to their law officers relative to the Mussulman and Hindoo laws of slavery; and on the 29th March 1809, copies and translations of their answers were transmitted to the judge and magistrate of Bundlecund, for the purpose of enabling him to propose any requisite modifications of the existing laws of slavery in the form prescribed by Regulation I. and IX. 1803. The draft of a proposed regulation was in consequence submitted by Mr. Richardson on the 24th June 1809, and read by the court; but from the difficulty of the subject, as well as from the pressure of other business, no resolutions have yet been passed upon it.

7.—The court now resolve that copies of the following papers be transmitted for the information of the Right honourable the Governor General in council.

1st.—Letter from the judge and magistrate of Zillah Bundlecund, dated 23d March 1808.

2d.—Resolution of the court for a reference to their law officers, on the 28th April 1808.

3d.—Translations of answers from the Mussulman and Hindoo law officers of the court, recorded on the 29th March 1809.

4th.—Letter written to the judge and magistrate of Bundlecund on 29th March 1809.

5th.—Letter from the judge and magistrate of Bundlecund, with draft of a proposed regulation.

Extract, Letter to the Register of the Nizâmut Adawlut, dated 15th March 1816.

N° 57.

Pars. 3. to 8. of the report of the second judge of the Moorshedabad court of Circuit, on the conclusion of the second session of 1814.

3.—The Governor General in council concurs generally in the sentiments expressed by the court of Nizamut Adawlut in these paragraphs on the subject of slavery, as existing in the territories immediately subordinate to the presidency of Fort William, and he will be prepared to take into his consideration the draft of a regulation founded on the principles and directed to the objects noticed in the fifth paragraph of the court's resolutions, which the court propose to submit to government.

Extract of a Letter from the Court of Directors to the Governor General in council of Bengal, in the Judicial Department; dated the 13th December 1820.

Letter from the Governor of Bengal, dated the 1st of March 1817, (15. 16.) sale of children, further communication is promised.

Par. 5.—We shall reply to these paragraphs when we receive your further report on the subject referred to.

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FURTHER PAPERS relative to the promulgation of the Act of Parliament 51st George 3. c. 23; throughout the several Territories and Settlements in India, subordinate to the Government General at Fort William in Bengal; also relative to the operation of the said Act, "on the occasion of Applications "by the Subjects or Governments of neighbouring States in amity with the "British Government, for the restoration of Slaves who had taken refuge "within the Company's Territories." 1816, 1817.

Extract of a Letter in the Judicial Department from the Governor General in council of Bengal to the Court of Directors; dated the 29th October 1817.

14 October 1817. 79 to 91.

Para. 147.—On the proceedings of the annexed date are recorded our resolutions on several references from the government of Bombay, and from the resident at Poona, on questions connected with the late Acts of Parliament for the abolition of the slave trade.

148.—The measures which were adopted by this government, with a view to give effect to the statute of the 51 Geo. 3. c. 23, are detailed in their judicial proceedings of the 26th September and 19th of December 1812. We shall however advert generally to those measures in th' place.

149.—With reference to the important objects and highly penal provisions of the statute in question, it was judged proper that a copy of it should be published for general information in the Calcutta Gazette, and that copies of it should be officially forwarded to the different independent and subordinate governments in this country. On the same principle copies of the statute were forwarded to the magistrates stationed at the sea ports immediately dependent on this presidency, in order that in their capacity of justices of the peace they might aid in enforcing the provisions of the statute. It was not deemed necessary to forward copies of the Act to the other magistrates, as the Governor General in council did not consider its provisions to be applicable to the importation or removal of slaves by land.

150.—The governments of Fort St. George and Bombay, of Java, of Prince of Wales Island, of the Mauritius and of Ceylon, as well as the residents at the Moluccas and Fort Marlborough were informed of the measures above adverted to, and of the construction which the supreme government had annexed to the provisions of the statute; viz. that they could only be considered applicable to the importation of slaves by sea.

* Reg. X. 1811.

151.—A regulation* had been already passed by the Governor General in council, for preventing the importation of slaves from foreign countries, to have effect within the territories immediately subordinate to the presidency of Fort William. The rules contained in that regulation having proved fully effectual in preventing the importation of slaves by land, similar provisions were, at the suggestion of the Governor General in council, subsequently enacted for the same purpose within the territories immediately subordinate to the governments of Fort St. George and Bombay.

152.—The foregoing general recapitulation sufficiently explains the measures hitherto adopted by the supreme government with reference to the provisions of the Act of the 51st of Geo. 3. c. 23.

153.—The first question adverted to in the above-mentioned documents, as stated in the 1st paragraph of the letter from the chief secretary to government at Bombay, relates "to the application of the Acts of Parliament for the abolition of "the slave trade, to domestic slaves and the property of individuals in them, such "slavery being known and legalized under the laws of both the Hindoos and "Mussulmans, according to whose codes the courts are bound to administer "justice."

154.—On this point it appeared to us that none of the provisions of the Acts of Parliament passed for the abolition of the slave trade in any manner affected, or professed to affect, the relation between master and slave, wherever that relation might exist by law; whatever therefore had been the law according to the Mahomedan and Hindoo codes (for those over whom they extended) on the subject of domestic slavery before the passing of the Act of the 51 Geo. 3. c. 23, continued to be the law still: more especially as these codes had been distinctly recognized and ordered to be observed by Parliament. At the same time it did not seem credible that any intention existed to abrogate those codes without reference to th' established

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blished laws and usages of this country, and without repealing the Acts of Parliament by which the observance of them was guaranteed to the natives.

155.—The native subjects of the British government residing in the territories subordinate to the several presidencies, have in fact the same authority over their slaves, and the same property in them, that they would have had if the Act in question had never been passed; and the several zillah and provincial courts are bound to receive and determine all questions of that nature, which are respectively cognizable by them under the existing regulations.

156.—The other points adverted to relate to the conduct which should be observed on the occasion of applications being made by the subjects or governments of neighbouring states with whom we are in amity, for the restoration of slaves who have taken refuge within the Company's territories.

157.—On this point it may be remarked, that the construction which has been uniformly given by the supreme government to the Act of the 51st George 3. c. 23.; viz. that it was only intended to apply to the importation or removal of slaves by sea, would not involve any alteration in the course of proceedings hitherto adopted in similar cases.

158.—A slave by entering the Company's territories does not become free; nor can he, who was lawfully a slave, emancipate himself by running away from one country, where slavery is lawful, to another where it is equally lawful.

159.—The property in the slave still continues in the master, and the master has the same right to have it restored to him, that any native subject of our territories could have, supposing that right to be established in the mode prescribed by the local laws and regulations.

160.—Some of the terms used in the preamble of the 51st of Geo. 3. c. 23. are of a very comprehensive nature, such indeed as on the first view might lead to the inference, that the bringing of slaves by land into the territories of the Honourable Company, or the removal of them by land from those territories, were acts included within the penalties of the statute in question; and it may be convenient therefore in this place to state, generally, on the grounds on which government were led to consider the provisions of the Act (so far as they apply to the territories subject to the government of the Honourable the East India Company), to extend merely to the importation or removal of slaves by sea.

161.—The evil which specifically called for the interposition of the legislature on the occasion of passing the Act of the 47 Geo. 3. c. 36. was the African slave trade, and the chief object of the subsequent Act of the 51 Geo. 3. c. 23. was avowedly the adoption of measures to prevent the daring violations of the former law, or in other words, to render more effectual the provisions of that law.

162.—This however is evidently not the exclusive object of the latter Act; the legislature was probably aware that a traffic was carried on in slaves by importing them by sea from the eastern coast of Africa, from Madagascar, and from the Eastern Island into the islands and territories in the East Indies subject to His Majesty or to the Honourable the East India Company, and it may reasonably be supposed, that in using the comprehensive terms employed in the latter Act, the legislature meant to provide for the effectual abolition of that traffic, which was in fact of a nature and tendency scarcely less objectionable than the trade which had been carried on between the western coast of Africa and the West India islands.

163.—Had the provisions of the Act been intended to apply to the importation or removal of slaves by land in the Honourable Company's territories on the continent of India, it cannot be supposed that the legislature would have confined the operation of the 4th section of that Act exclusively to the West Indies, that it would have subjected to the punishment of transportation whole nations, amongst whom domestic slavery had immemorially existed under the sanction of law recognized by Parliament, and this without any reference to those established laws and usages, and without repealing the Acts of Parliament by which the observance of them is guaranteed to the natives, that it would in short have subjected the Hindoo and Mahomedan inhabitants of the British territories in the East Indies, to the severe punishment of transportation for acts which the 4th section of the statute renders legal in the West Indies.

164.—But if there could exist any reasonable doubt with regard to the construction of the Act which this government entertained upon a general consideration of its provisions taken in consideration with each other, and with all the former

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Acts and resolutions referred to in it, it would be difficult to reconcile any other construction of the Act with the letter of the 6th clause of the Act.

165.—That clause prescribes the course to be pursued in bringing to trial offenders against the Act.

166.—The admiralty jurisdiction vested in His Majesty's courts of justice at the several presidences in India, would enable those courts to take cognizance of all offences relating to the importation or removal of slaves by sea contrary to the Act; but offences against the Act which may not be cognizable by the court of admiralty, could only be tried in England in the mode pointed out by the 6th clause of the 51 George 3. c. 23.

167.—If therefore this Act be construed to extend to the removal or importation of slaves by land in the territories subject to the East India Company, every native carrying or removing a slave from one part of those territories to another, is liable to be sent to England, to be tried for felony, in the mode prescribed by certain Acts of Henry 8 and William the 3d, for the suppression of piracy.

168.—It is unnecessary to enlarge further on the difficulties which must arise from any such construction of the Act. The powers vested by law in the governments of the several presidencies in India will enable them to frame such legislative enactments as may from time to time be found necessary, with a view to the correction of any abuses which may be found to prevail in the existing system of domestic slavery, or to the augmentation of the penalties already prescribed by the regulation for preventing the importation of slaves by land from foreign countries, and the sale of such slaves in the territories immediately dependant on the several presidencies.

169.—With a view to give the greatest possible weight to the sentiments which we had entertained as above expressed, (and which were in unison with those which his Excellency the Governor General was understood to have entertained on the subject previously to his quitting Calcutta for the upper provinces,) we suggested that the purport of them should be communicated to the government of Bombay through the immediate channel of his Lordship.

Crim. Cons. 14 Oct. 1817. N° 87.

170.—On the proceedings noticed in the margin is recorded a letter from the secretary to the Governor General, expressing his Lordship's entire concurrence in the tenor of our resolutions above adverted to, and stating that his Lordship had transmitted a copy of those resolutions to the government of Bombay, with a letter to the effect suggested by us.

Criminal, L. P.

Extract Bengal Judicial Consultations, 14th October 1817.

N° 79. Judicial Department.

Chief Secretary to Government at Bombay, to W. B. Bayley, Esq. Secretary to the Supreme Government at Fort William.

Sir:—I am directed to transmit to you the accompanying copies of a letter from the register to the Sudder Adawlut at this presidency, dated the 11th instant, and of its enclosures, as to the application of the Acts of Parliament for the abolition of the slave trade, to domestic slaves, and the property of individuals in them, such slavery being known and legalized under the laws of both the Hindoo and Mussulman, according to whose codes the courts are bound to administer justice.

2.—On a point of such importance the Governor in council deems it expedient to request to be favoured with the opinion of the advocate general at Calcutta, and the decision of the Right honourable the Governor General in council, on the subject.

I have, &c.

(signed) *F. Warden*, Chief Secretary to Government.

Bombay Castle, 14th September 1816.

To Francis Warden, Esq. Chief Secretary to Government.

N° 80 to 83.

Sir:—I am directed by the honourable judges of the Sudder Adawlut to request that you will lay the enclosed correspondence before the Right honourable the Governor in Council, as it may perhaps be considered expedient by him to have recourse to the law authorities of the supreme government before any instructions are communicated to the judge of Surat on the important subject of his letter.

I have, &c.

Bombay, 11th September 1816. (signed) *John Bax*, Register.

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To James Henderson, Esq. Register to the Sudder Adawlut, Bombay.

Sir:—With reference to the circular letter in the judicial department, addressed by Mr. Chief Secretary Warden, under date the 26th ultimo, to the different magistrates, transmitting the opinion of the advocate general as to the application of the Acts of Parliament for abolishing the slave trade, and adverting to Regulation I. 1813, for preventing the importation of slaves from foreign countries, and the sale of such slaves, in the territories subject to Bombay, I respectfully solicit the instructions of the honourable the judges of the Sudder Adawlut, as to whether the courts of civil judicature are prevented by the said Acts from entertaining suits and questions, relative to domestic slaves and the property of individuals in them, such slavery being known to and legalized under the laws of both the Hindoo and Mussulman inhabitants of these countries, according to whose codes the courts are bound to administer justice.

2.—Suits and questions regarding the rights of individuals to property in slaves required by inheritance, devise, sale, gift, or other mode of possession, have occurred, and some are now pending in this Adawlut, whence one cause has lately been removed by appeal into the provincial court, it becomes therefore indispensably necessary to submit the doubts, which the advocate general's opinion are calculated to give rise to, on the subject of the applicability of the Act of Parliament quoted by Mr. Macklin, to the domestic slavery recognized by the Hindoo and Mahomedan laws throughout Hindoostan.

I have, &c.

Bombay, 6th May 1816. (signed) *John Romer*, Judge.

(True copy.)
(signed) *John Bax*, Register.

To H. G. Macklin, Esq. Reporter to the Honourable Court of Sudder Adawlut.

Sir:—I am directed by the honourable court of Sudder Adawlut to refer to you for your opinion, the accompanying letter from the judge at Surat, dated the 6th instant.

I have, &c.

Bombay, 22 May 1816. (signed) *J. Henderson*, Register.

(True copy.)
(signed.) *John Bax*, Register.

Opinion given by Mr. Macklin.

I am aware of the contradiction that must necessarily arise from enforcing the Acts of Parliament relative to the slave trade in countries where domestic slavery is recognized by the Hindoo and Mahomedan laws, while the courts are bound to administer justice according to those laws. The object of the legislature however was indisputably to put an end to slavery, in any shape, within the sphere of British jurisdiction, and the only mode of reconciling the contradiction is by considering the enactments respecting slavery, as a virtual repeal of that part of the Hindoo and Mahomedan laws within our own dominions.

Bombay, 22 August 1816.

(signed) *Hugh Geo. Macklin*, Advocate General.

(True copy.)
(signed) *John Bax*, Register.

(True copies.)
(signed) *J. B. Simson*, Assistant to Secretary to Government.

On the 1st November 1816 the secretary was directed to write the following letter to the advocate general.

To the Advocate General.

Sir:—I am directed by the Right honourable the Governor General in council to transmit to you the enclosed original letter from the chief secretary to the government at Bombay, dated 14th September last, with its enclosures. N° 81.

2.—The Governor General in council is desirous of being furnished with your opinion in regard to the points noticed in the dispatch from the government at Bombay.

3.—You are requested to return the accompanying documents with the report above required.

I have, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Council Chamber, the 1st November 1816.

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Advocate General to W. B. Bayley, Esq. Secretary to Government, Judicial Department.

N° 82.

Sir:—I have perused the papers conveyed to me with your letter of the 1st instant, and have the honour to report, that the Act of the 51 Geo. 3. c. 23. does, in my opinion, prohibit all future traffic in or purchase of slaves in India, whether domestic or of any other description; but if the words, "any foreign island, colony "or settlement," in the fourth section of that Act, mean places belonging to the United Kingdom, or in the occupation of or under the government of the East India Company, which I think they do, I do not think the legislature intended to emancipate those who were at the time slaves according to the then existing laws of any place, although it certainly intended to prevent the trade and traffic in future.

Calcutta, 14th November 1816. I have, &c.
(signed) *Edward Strettell*, Advocate General.

Extract from the Proceedings in the Political Department.

N° 83.

N° 13.—Extract from the Proceedings of his Excellency the Right honourable the Governor General in council, in the Political Department, under date the 16th November 1816.

To John Adam, Esq. Secretary in the Secret Political and Foreign Departments, at Fort William.

Political Department,

Sir:—As connected with the subject of my letter to Mr. Secretary Bayley, under date the 14th of last month, I am directed by the Right honourable the Governor General in council, to transmit to you for the purpose of being laid before his Excellency the Right honourable the Governor General in council, the accompanying copies of a dispatch from the resident at Poona, dated the 17th March, and of two dispatches from the resident at Baroda, dated the 2d June last and 4th instant, on the subject of applications to them for the restoration of slaves who have taken refuge within the Honourable Company's territories, together with an opinion of the advocate general on this question, which has been communicated for the information of the residents. I have, &c.
(signed) *F. Warden*, Chief Secretary.

Bombay Castle, 17th October 1816.

To Francis Warden Esq. &c. &c. &c.

Sir:—I have received an application from the widow of Nana Furnavees, requesting the assistance of government in recovering eight slaves of hers, who have fled to Tannah.

I am not certain whether this is a case in which any assistance be afforded under the late Acts of Parliament regarding the slave trade. With a view to corresponding complaints from our own sepoys and followers, I should be greatly obliged if the Right honourable the Governor would be pleased to procure me the legal opinion and of the proper authorities whether assistance ought to be afforded British sepoys natives of the British provinces in India, in recovering slaves that have escaped into places under paishwa's authority, or whether the prohibition against the purchase and detention of slaves by British subjects is to be understood to extend to them.

Poona, 17th March 1816. I have, &c.
(signed) *M. Elphinstone* Resident at Poona.

To Francis Warden, Chief Secretary to Government, Bombay.

Political Department.

Requesting instructions of Government on the subject of the enclosed memoraudum.

Sir:—I have the honour of enclosing translate of a memorandum from the Guicawar government upon which I am induced to solicit the orders of the Right honourable the Governor in council before I submit it to the authorities at Kaira. This reference is occasioned not from the demand made in the memorandum being unusual, as since the connection with the Guicawar, the restitution of run-away slaves has always been admitted, but from the enactments of late regulations respecting slaves, which may perhaps render it improper that I should act without fresh instructions for my guidance.

2.—The

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2.—The following is an extract from the 9th article of the definitive Treaty, concluded at Baroda on the 21st April 1805: "Neither will the Company's government entertain in their service any of the Guicawar servants, dependents or slaves, contrary to the inclination of that state."

Extract from the 9th Article of the Treaty.

I have, &c.

Baroda, 2d June 1816. (signed) *J. R. Carnac*, Resident.

Memorandum from the Guicawar Government.

Mosum Dubassee, a man of the Guicawar government, brought a girl in Dholka, who has run away; she has gone to Chocee Pucreea, a moaera Dholka; a letter is requested to be written to the Dholka comwavisdal, to cause the girl to be restored to Dubassee's servant when he may come for her.

(True copy.) (signed) *J. Williams*, Assistant Political Department.

To Francis Warden, Esq. Chief Secretary to Government, Bombay.

Referring to letter of 2d June, and soliciting instruction in cases of slaves absconding.

Sir:—I had the honour in my letter, dated 2d June last, to solicit the instructions of government in cases of slaves belonging to individuals in the Guicawar service absconding into the territories of Honourable Company, and the party making application to me for their restitution, conformable to the stipulation in the definitive treaty with this state.

Mr. Ironside having stated that application for slaves are subjected to a penalty.

2.—I am induced to report my request for orders as a guidance, not only on account of many slaves having ran away in consequence of the impunity which has attended it, since I entertained doubts of the propriety of my preferring demands for their apprehension, but on account of Mr. Ironside having had the goodness to inform me, that (as far back as April last) he had been informed by the chief secretary to government that an application for the restoration of a slave, or any subject of His Majesty, would incur a very severe penalty.

3.—The accompanying is an application made to me yesterday, to which as all others lately, I have given no answer.

I have, &c.

Baroda, 4th October 1816 (signed) *J. R. Carnac*, Resident.

Translation of a memorandum from Seteram Rowjee Dewan.

A slave boy belonging to my house, having absconded these five or seven years ago, at which time a great inquiry was made after him, but no trace of him was found out; he is, however, now discovered to be at Kaira, employed in the artillery department in pioneer corps; his former name was Doud, but he has changed it, and passing under the name of Hyder. I therefore request you will be pleased to have that boy brought from Kaira, and restored to me; dated Asevern Lood, 9th Sunday.

(True translation.) (signed) *J. R. Carnac*, Resident at Baroda.

To Francis Warden, Esq. Chief Secretary to Government.

Sir:—I have the honour to acknowledge the receipt of your letter of the 21st March, with its enclosure from the resident at Poona, requiring my opinion as to the application of the Acts of Parliament for abolishing the slave trade, and the conduct to be observed towards persons applying either to the British government for the restoration of slaves who have escaped into British territory, or to the British residents at the native courts for the restoration of slaves escaping into the territory of the native princes.

I am of opinion that the 51st of the King, c. 23. puts an end to all doubts on the question; and that no subject of His Majesty, nor any other person, whether subject or not, residing in British territory, can either directly or indirectly assist in such restoration without incurring the penalty of transportation.

Bombay, 23d April 1816. I have, &c.

(signed) *Hugh Geo. Macklin*, Advocate Genral.

Ordered, That a copy of the foregoing dispatch be recorded in the Judicial Department, where the subject will be taken into consideration with the case already under consideration in that department.

(A true extract.) (signed) *J. Adam*, Secretary to the Government.

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N° 84.

Extract from the Proceedings in the Political Department.

N° 18.—Extract from the Proceedings of his Excellency the Right honourable the Governor General in council, in the Political Department, under date the 7th April 1817.

To John Adam, Esq. &c. &c. &c.

Poona, 9th March 1817.

Sir:—Many questions have originated in the subsidiary force regarding the interpretation of the late Acts of Parliament on the subject of the slave trade; and on some of them I have to beg for the instructions of government.

I formerly addressed the inclosed letter to the government of Bombay, and received a reply, of which the inclosed is a copy. The opinion of the advocate general is decisive on the subject of traffic in slaves carried on within the British territories, and perhaps applies also to British subjects, natives of Europe, engaged in a similar traffic within the territories of native princes in alliance with the British government; but it is still a question, how far a native of India, subject to the British government, is permitted to purchase or to possess a slave; and whether a person so circumstanced ought to be sent by the commanding officer to take his trial at the nearest presidency, like any other offender.

It is also still a question, how we are to treat slaves, subjects of his Highness the Paishwa, who fly from their masters, also subjects of his Highness, and take refuge in our camps. It is so obvious, that we cannot open an asylum for fugitive slaves within the Paishwa's territories, that I have hitherto directed persons in these circumstances to be refused leave to reside in our camps; but I shall be happy to be informed what is the proper course in such cases, and generally, what is the law relative to the traffic in slaves as far as is applicable to our forces in the territories of allied princes.

I have, &c.

(signed) *M. Elphinstone*, Resident at Poona.

To Francis Warden, Esq. &c. &c. &c.

Poona, 17th March 1816.

Sir:—I have received an application from the widow of Nana Furnane, requesting the assistance of government in recovering eight slaves of hers, who have fled to Tannah.

I am not certain whether this is a case in which any assistance can be afforded under the late Acts of Parliament regarding the slave trade. With a view to corresponding complaints from our own sepoys and followers, I should be greatly obliged if the Right honourable the Governor would be pleased to procure me the legal opinion of the proper authorities, whether assistance ought to be afforded to British sepoys and natives of the British provinces in India, in recovering slaves that have escaped into places under the Paishwa's authority, or whether the prohibition against the purchase and detention of slaves by British subjects is to be understood to extend to them.

I have, &c.

(signed) *M. Elphinstone*, Resident at Poona.

To the Honourable M. Elphinstone, Resident at Poona.

Sir:—I am directed by the Right honourable the Governor in council to acknowledge the receipt of your letter, dated the 17th ultimo, and to transmit to you the annexed copy of one from the advocate general, dated the 23d instant, submitting his opinion as to the application of the Acts of Parliament for abolishing the slave trade.

I have, &c.

(signed) *F. Warden*, Chief Secretary to Government.

Bombay Castle, 26th April 1816.

To Francis Warden, Esq. Chief Secretary to Government.

Sir:—I have the honour to acknowledge the receipt of your letter of the 21st March, with its enclosure from the resident at Poona, requiring my opinion as to the application of the Acts of Parliament for abolishing the slave trade, and the conduct to be observed towards persons applying either to the British government for the restoration of slaves who have escaped into British territory, or to the

British

British residents at the native courts for the restoration of slaves escaping into the territories of the native princes.

I am of opinion, that the 51st of the King, c. 23, puts an end to all doubt on the question, and that no subject of His Majesty, nor any other person, whether subject or not, residing in British territory, can either directly or indirectly assist in such restoration without incurring the penalty of transportation.

Bombay, 23d April 1816. I have, &c.

(signed) *Hugh Geo. Macklin*, Advocate General.

Ordered, That the above dispatch be sent to the judicial department, where other references on the same subject are under consideration.

(A true extract.) (signed) *J. Adam*,
Acting Chief Secretary to the Government.

On the 9th September last the following resolution was passed.

N° 85.

The Vice President in council having taken into his deliberate consideration the foregoing documents, records, the following remarks and resolutions:

The measures adopted by the supreme government, with a view to give effect to the statute of the 51 Geo. 3, c. 23, are detailed in the proceedings of government of the 26th September and 19th of December 1812. It appears to be convenient, however, to advert generally to those measures in this place.

With reference to the important objects and highly penal provisions of the statute in question, government judged it proper to direct that a copy of it should be published for general information in the Calcutta Gazette, and that copies of it should be officially forwarded to the different independent and subordinate governments in this country. On the same principle copies of the statute were forwarded to the magistrates stationed at the sea ports immediately dependent on this presidency, in order that in their capacity of justices of peace, they might assist in enforcing the provisions of the statute. It is not deemed necessary to forward copies of the Act to the other magistrates, as the Governor General in council did not consider its provisions to be applicable to the importation or removal of slaves by land.

The governments of Fort St. George and Bombay, of Java, of Prince of Wales Island, of the Mauritius and Ceylon, as well as the residents at the Moluccas and Fort Marlborough, were informed of the measures above adverted to, and of the construction which the supreme government had annexed to the provisions of the statute, viz. that they could only be considered applicable to the importation of slaves by sea.

A regulation had been already passed by the Governor General in council for preventing the importation of slaves from foreign countries to have effect within the territories immediately subordinate to the presidency of Fort William, and the rules contained in that regulation having proved fully effectual in preventing the importation of slaves by land, similar provisions were, at the suggestion of the Governor General in council, subsequently enacted for the same purpose within the territories immediately subordinate to the Governments of Fort St. George and Bombay. Reg. X. 1811.

The foregoing general recapitulation sufficiently explains the measures hitherto adopted by the supreme government with reference to the provisions of the Act of the 51st of Geo. 3, c. 23.

The first question adverted to in the documents now under consideration as stated in the first paragraph of the letter from the chief secretary to government at Bombay, relates "to the application of the Acts of Parliament for the abolition of the slave "trade to domestic slaves, and the property of individuals in them, such slavery "being known and legalized under the laws of both the Hindoos and Mussulman's, "according to whose codes the courts are bound to administer justice."

On this point the Vice President in council observes, that none of the provisions of the Acts of Parliament passed for the abolition of the slave trade in any manner affect, or profess to affect, the relation between master and slave, wherever that relation may exist by law. Whatever therefore was the law, according to the Mahomedan and Hindoo codes (for those over whom they extend), on the subject of domestic slavery, before the passing of the Act of the 51st Geo. 3, c. 23, continues to be the law still, more especially as those codes have been distinctly recognized and ordered to be observed by Parliament. At the same time it is not credible that any intention existed to abrogate those codes without reference to the established laws and usages of this country, and without repealing the Acts of Parliament by which the observance of them is guaranteed to the natives.

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The native subjects of the British government residing in the territories subordinate to the several presidencies have, in fact, the same authority over their slaves, and the same property in them that they would have had if the Act in question had never been passed, and the several zillah and provincial courts are bound to receive and determine all questions of that nature which are respectively cognizable by them under the existing regulations.

The other points adverted to in the documents now under consideration, relate to the conduct which should be observed on the occasion of applications being made by the subjects or governments of neighbouring states with whom we are in amity, for the restoration of slaves who have taken refuge within the Company's territories. On this point it may be remarked, that the construction which has been uniformly given by the supreme government to the Act of the 51st Geo. 3, c. 23, viz. that it was only intended to apply to the importation or removal of slaves by sea, would not involve any alteration in the course of proceedings hitherto adopted in similar cases.

A slave, by entering the Company's territories, does not become free; nor can he, who was lawfully a slave, emancipate himself by running away from one country where slavery is lawful, to another where it is equally lawful.

The property in the slave still continues in the master, and the master has the same right to have it restored to him that any native subjects of our territories could have, supposing that right to be established in the mode prescribed by the local laws and regulations.

The Vice President in council observes, that some of the terms used in the preamble of the 51st of Geo. 3, c. 23, are of a very comprehensive nature, such indeed as on the first view might lead to the inference, that the bringing of slaves by land into the territories of the Honourable Company, or the removal of them by land from those territories, were acts included within the penalties of the statute in question, and it may be convenient therefore in this place, to state generally the grounds on which government were led to consider the provisions of the Act, so far as they apply to the territories subject to the government of the Honourable the East India Company, to extend merely to the importation or removal of slaves by sea.

The evil which specifically called for the interposition of the legislature on the occasion of passing the Act of the 47 Geo. 3. c. 36, was the African slave trade; and the chief object of the subsequent Act of the 51st Geo. 3. c. 23, was avowed by the adoption of measures to prevent the daring violations of the former law, or in other words, to render more effectual the provisions of that law.

This, however, is evidently not the exclusive object of the latter Act; the legislature was probably aware that a traffic was carried on in slaves, by importing them by sea from the eastern coast of Africa, from Madagascar, and from the eastern islands, into the island and territories in the East Indies subject to His Majesty or to the Honourable the East India Company; and it may reasonably be supposed, that in using the comprehensive terms employed in the latter Act, the legislature meant to provide for the effectual abolition of that traffic, which was, in fact, of a nature and tendency scarcely less objectionable than the trade which had been carried on between the western coast of Africa and the West India islands.

Had the provisions of the Act been intended to apply to the importation or removal of slaves by land, in the Honourable Company's territories on the continent of India, it cannot be supposed that the legislature would have confined the operation of the 4th section of that Act exclusively to the West Indies; that it would have subjected to the punishment of transportation whole nations, amongst whom domestic slavery had immemorially existed, under the sanction of laws recognized by Parliament, and this without any reference to those established laws and usages, and without repeating the Acts of Parliament by which the observance of them is guaranteed to the natives; that it would, in short, have subjected the Hindoo and Mahomedan inhabitants of the British territories in the East Indies to the severe punishment of transportation for acts which the 4th section of the statute renders legal in the West Indies.

But if there could exist any reasonable doubt with regard to the construction of the Act, which this government entertains upon a general consideration of its provisions, taken in connection with each other, and with all the former Acts and Resolutions referred to in it, it would be difficult to reconcile any other construction of the Act with the letter of the 6th clause of the Act.

That clause prescribes the course to be pursued in bringing to trial offenders against the Act.

The

The Admiralty jurisdiction vested in His Majesty's courts of justice at the several residencies in India would enable those courts to take cognizance of all offences relating to the importation or removal of slaves by sea contrary to the Act; but offences against the Act which may not be cognizable by the Court of Admiralty can only be tried in England in the mode pointed out by the 6th clause of the 51st Geo. 3. c. 23.

If, therefore, this Act be construed to extend to the removal or importation of slaves by land in the territories subject to the East India Company, every native carrying or removing a slave from the one part of those territories to another is liable to be sent to England to be tried for felony, in the mode prescribed by certain Acts of Henry the Eighth and William the Third for the suppression of piracy.

It is unnecessary to enlarge further on the difficulties which must arise from any such construction of the Act. The powers vested by law in the governments of the several presidencies in India will enable them to frame such legislative enactments as may from time to time be found necessary, with a view to the correction of any abuses which may be found to prevail in the existing system of domestic slavery, or to the augmentation of the penalties already prescribed by the regulation for preventing the importation of slaves by land from foreign countries, and the state of such slaves in the territories immediately dependent on the several presidencies. On the 9th September the secretary was directed to write the following letter to John Adam, Esq.:

To John Adam, Esq. Secretary to the Governor General.

N°. 86.

Sir:—I am directed to request that you will submit to his Excellency the Most noble the Governor General the accompanying resolutions, which have been this day passed by the Honourable the Vice President in council on the subject of several references from the government of Bombay and from the resident at Poona on questions connected with the late Acts of Parliament for the abolition of the slave trade.

2.—The Vice President in council conceives that the tenor of these resolutions will be found to correspond in all essential points with the sentiments which his Lordship was understood to entertain on the subject previously to his quitting Calcutta.

3.—With reference to the extent to which domestic slavery exists in India, under the established laws and usages of the Hindoos and Mahomedans, and to the known habits and feelings of the people relative to that point, the Vice President in council is of opinion that the greatest care should be observed to guard against the prevalence of an impression amongst the natives that any general or direct interference in the existing relation of master and slave is contemplated by government.

4.—Any impression of that nature might be expected to excite feelings of alarm and dissatisfaction, and on this ground it appears to be of importance that the government of Bombay should avoid, as far as may be practicable, the official revival and discussion of this question after the deliberate consideration which it has undergone, in communication with the legal authorities at this presidency.

5.—If his Excellency the Most noble the Governor General should concur in the foregoing observations, and in the tenor of the accompanying resolutions, the Vice President in council would beg to suggest, in order to give to it the greatest possible weight, that the purport of them, together with the foregoing remark, be communicated to the government of Bombay through the immediate channel of his Excellency the Governor General.

6.—In that event, a copy of the resolutions will be recorded in the political department, and will thence be communicated in the ordinary course to the resident at Poona. The Vice President in council also purposes to furnish a copy of the resolutions for the information of the court of Nizamut Adawlut as soon as he shall be apprised of the sentiments of the Governor General in reply to this letter.

I am, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Council Chamber, the 9th September 1817.

Secretary to the Governor General, to W. B. Bayley, Esq. Secretary to the Government in the Judicial Department.

N° 87.

Sir:—I am directed to acknowledge the receipt of your letter of the 20th instant, enclosing a copy of the resolutions of the Honourable the Vice President in council on the subject of several inferences from the government of Bombay, and from the

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resident at Poona, on questions connected with the late Acts of Parliament for the abolition of the slave trade.

2.—The Governor General having carefully perused those resolutions, has found them to be entirely in accordance with his own sentiments; and his Lordship having mentioned his concurrence on the copy of the resolutions received from you, I am directed to return it for the purpose of being recorded.

3.—His Lordship has, in conformity to the suggestion of the Honourable the Vice President in council, directed the transmission of a copy of the resolutions to the government of Bombay, with a letter to the effect recommended by the Vice President in council. A copy of my letter to Mr. Warden will accompany this dispatch.

4.—His Lordship is desirous to express his approbation of the proposed communication of the resolution to the resident at Poona from the political department, and to the Nizamut Adawlut, Cawnpore.

24th Sept. 1817. I have, &c.

(signed) *J. Adam*, Secretary to the Governor General.

(Copy) To Francis Warden, Esq. Chief Secretary to the Government of Bombay.

N° 88. Sir:—I am directed to transmit to you the enclosed resolutions of the Vice President in council at Fort William, on the subject of the several references that have been received from the government of Bombay and the resident at Poona, on questions connected with the late acts of Parliament for the abolition of the slave trade.

2.—These resolutions have been framed after the maturest deliberation in communication with the legal authorities at the presidency. The subject was fully discussed by the Governor General with his colleagues in the government before his departure from Fort William, and the resolutions, as now framed, have received his Lordship's entire concurrence; the Governor in council of Bombay is accordingly requested to make them the rule for his proceeding in the cases to which they apply.

3.—In transmitting the enclosed resolutions, the Governor General desires me to remark, that with reference to the extent to which domestic slavery exists in India, under the established laws and usages of the Hindoos and Mahomedans, and to the known habits and feelings of the people relative to that point, it is desirable that the greatest care should be observed to guard against the prevalence of an impression among the natives, that any general or direct interference in the existing relation of master and slave, is contemplated by government.

4.—Any impression of that nature might be expected to excite feelings of alarm and dissatisfaction, and on this ground the Right honourable the Governor in council of Bombay will feel the importance of avoiding, as far as may be practicable, the official revival and discussion of this question, after the deliberate consideration it has undergone, in communication with the legal authorities at Fort William.

Cawnpore, 24th September 1817. I have, &c.

(signed) *J. Adam*, Sec. to the Gov. General.

Ordered, That the secretary write the following letters to the register of the Nizamut Adawlut, and to the chief secretary to the government at Fort St. George.

To the Register of the Nizamut Adawlut.

N° 89. Sir:—I am directed by the Honourable the Vice President in council to desire that you will submit, for the information of the court of Nizamut Adawlut, the undermentioned papers on questions connected with the late Acts of Parliament for the abolition of the slave trade, viz.

Extract from the resolutions passed by the Vice President in council, in the judicial department, dated the 9th ultimo.

Copy of a letter addressed to Mr. J. Adam, the secretary to the Governor General, on the above mentioned date.

Copy of a letter from Mr. Adam, in reply, dated the 24th ultimo, and of its enclosure. I am, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Council Chamber, 14th October 1817.

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To the Chief Secretary to the Government at Fort St. George.

Sir:—I am directed by the Honourable the Vice President in council to request that you will submit, for the information of the Right honourable the Governor in council at Fort St. George, the undermentioned documents on questions connected with the late Acts of Parliament for the abolition of the slave trade, viz.

N° 90.

Extract from the resolutions passed by the Vice President in council, in the judicial department, dated the 9th ultimo.

Copy of a letter addressed to Mr. J. Adam, the secretary to the Governor General, on the above mentioned date.

Ditto of a letter from Mr. Adam, in reply, and its enclosure, dated the 24th ultimo.

I have, &c.

Fort William, 14th October 1817. (signed) *W. B. Bayley.*

N° 91.

Ordered, That a copy of the resolutions passed on the 9th ultimo, a copy of the letter addressed to Mr. Adam, the secretary to the Governor General, on the same date, together with a copy of the foregoing letter from Mr. Adam, in reply, dated the 24th ultimo, and of its enclosure, on questions connected with the late Acts of Parliament for the abolition of the slave trade, be sent to the political department for record, and in reply to the references from that department, of the 16th of November 1816, and 7th April last.

Ordered, That a copy of the resolutions passed on the 9th ultimo, a copy of the letter addressed to Mr. Adam, the secretary to the Governor General, on the same date, together with a copy of the foregoing letter from Mr. Adam, in reply, dated the 24th ultimo, and of its enclosures, on questions connected with the late Acts of Parliament for the abolition of the slave trade, be sent for record, and for any further orders which may be necessary to the Public department.

[Copies of the foregoing Proceedings were accordingly forwarded to the Public department; where they were recorded, without further minute, on the proceedings of the 7th of November, No. 16.]

Extract, Bengal Judicial Consultations, 21st October 1817.

Criminal, L. P.

Secretary to the Government at Bombay, to W. B. Bayley, Esquire, Acting Chief Secretary to the Supreme Government, at Fort William.

Judicial Deparment.

N° 13.

Sir:—In reference to Mr. Chief Secretary Warden's letter to you, dated the 14th September 1816, I am directed by the Right honourable the Governor in council, to transmit to you the accompanying copies of one from the judge and magistrate of Salsette, dated the 18th June last, and of its enclosure, followed by one from the advocate general at this presidency, dated the 22d ultimo, and to request you will submit to the Honourable the Vice President in council, the wish of the Right Honourable the Governor in council to be favoured with a communication of the practice established in Bengal, respecting the interference of the magistrate between masters and slaves, in complaints exhibited by either party, after the receipt of the 51 Geo. 3. c. 22.

I have, &c.

(signed) *W. Newnham*, Sec. to Government.

Bombay Castle, 18th Sept. 1817.

To Francis Warden, Esq. Chief Secretary to Government, Bombay.

Sir:—I have to request that you will lay before the Right honourable the Governor in council, the accompanying copy of a petition presented to me by Augustinho, a native of Africa, soliciting to be freed from the state of bondage in which he is held by Domings Marzello, a Portuguese inhabitant of the village of Caudowly.

Not being in possession of the late Acts of Parliament with regard to the abolition of the trade in slaves, and having only for my guidance the letter of the advocate general, dated the 23d of April 1816, which appears to be confined to the case of a master in a foreign country making application to the British government for the recovery of a slave who may have taken refuge within their territory, and to applications to British residents at the native courts of a similar nature, I have not the means of judging whether the legislature has wholly abolished slavery in this country, whether any line of distinction has been drawn between the natives of Africa and those of Asia, or, whether by having adopted the christian faith, the slave may have become entitled to any peculiar privileges or exemptions.

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My object, therefore, in troubling the government with the present reference is, that I may be favoured with specific instructions for my guidance in respect to all future applications, either by slaves to obtain their release, or by masters to receive the assistance of the magistrate in the recovery of the slaves who may have effected their escape.

I have, &c.

Tannah, 18th June 1817. (signed) *S. Babington*, Judge and Magistrate.

To the Worshipful Stephen Babington, Esq. Judge and Magistrate of Salsette, &c. &c.

The humble petition of Agostinho Cafree, of Caudowly village,—

Sheweth,—That these, about 20 years, one Luis Marzello of the same place, brought to your petitioner from Bombay, and when the said Luis Marzello, these about 12 years separated from his other brothers, and the estate been divided between them then, to your petitioner was delivered in charge of one Domingos Marzello his brother, and these 12 years your petitioner serving him as slave, but the said Domingos Marzello not behave well to your petitioner, therefore your petitioner humbly implore your Worship that your petitioner wish to live free out from him of the captivity, therefore beg your Worship aid and support, will be so graciously to permit him such licence, and his master not to molest to your petitioner, which favour shall be remembered with respect and gratitude.

And your petitioner, as in duty bound, shall ever pray.

his
Agostinho Cafree, ×
mark.

(A true copy.)
(signed) *S. Babington*, Judge and Magistrate.

Francis Warden, Esq. Chief Secretary to Government.

Sir:—I have the honour to acknowledge the receipt of Mr. Secretary Newnham's letter of the 28th June, with its enclosure, requiring my opinion on the question submitted by Mr. Babington, respecting the interference of the magistrate between masters and slaves, on complaints exhibited by either party.

This question is very different from that formerly submitted to me respecting the interference of the British government, in restoring slaves who have escaped from a foreign country to their foreign masters.

The words of the statute, 51 Geo. 3, c. 23, are, "if any person within His "Majesty's dominions or the territories under the government of the Company, "shall carry away or remove, or aid or assist in carrying away or removing, any "person as a slave, or for the purpose of being used or dealt with as a slave, from "any part of Africa, or from any other country, territory or place whatsoever, &c. "he shall be transported, &c."

These words certainly do not abolish slavery, for West India slavery is recognized in the same Act, but they appear to me peremptorily to interdict all interference on our part as to the restoration of slaves to their masters, for I cannot see how such interference could be construed otherwise than as aiding and assisting in the carrying away "the person so restored, to be used or dealt with as a slave."

On the same principle I think they impose a duty on the magistrate of liberating slaves who complain of being forcibly kept in their master's service. The slave who liberates himself, cannot be restored to his master without the danger of felony, and I think he might prosecute any man on the statute, who assisted his master to retake him, for the purpose of being used as a slave. The slave who complains may be viewed as a person applying for a habeas corpus, and when brought up before the judge, must be in fact set free, for the judge cannot deliver him over to his master without incurring the same penalty as before, nor can the master or any other person retake him, without incurring it likewise.

Bombay, 22d August 1817. I have, &c.

(signed) *Hugh Geo. Macklin*, Advocate General.

Ordered, That the secretary write the following letter to the secretary to the government at Bombay.

To the Secretary to the Government at Bombay.

N° 14 Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of a letter from you, dated the 18th ultimo, with its enclosures, on questions connected with the late Acts of Parliament for the abolition of the slave trade,

trade, and to observe that the communication made by his Excellency the Most noble the Governor General to the Governor in council of Bombay, on the 24th ultimo, supersedes the necessity of any further observations on the subject of your dispatch, above acknowledged. I have, &c.

(signed) *W. B. Bayley*, Secretary to Government.

Fort William, 21st October 1817.

Extract of a Letter in the Judicial Department from the Court of Directors, to the Govornor General in council of Bengal; dated the 13th of December 1820.

Letter from Bengal, dated the 29th of October 1817 (paragraphs 147 to 170.) Measures adopted for giving effect to the Act of Parliament on the subject of the slave trade.

Par. 270.—Will be replied to in the law department.

PAPERS relative to the extension of the Bengal Regulation, prohibitory of the traffic in Slaves, to the territories in the Deccan, conquered from the Paishwa. 1819, 1820.

Extract, Bengal Political Consultations, 16th October 1819.

M. Elphinstone to C. T. Metcalfe, Esq. &c. &c. &c.

Poona, 8th Sept. 1819.

N° 17.

Sir:—I have the honour to transmit for the information of his Excellency the Most noble the Governor General, a copy of a letter under date the 31st ult. from the political agent in Candeish, together with my reply of this date.

I have, &c.

(signed) *M. Elphinstone*, Commissioner.

To the Honourable M. Elphinstone, &c. &c. &c.

Dhoolia, 31st August 1819.

N° 18.

Sir:—Application having been lately made to me for permission to purchase some slaves, I took the opportunity of investigating the circumstances, which I have the honour to report for your information.

It appears that the slaves were young women and girls in the possession of some Mahratta Wunjarries, who, upon being questioned, state, that they purchased them in Berar, from the Tandas of the Rajpoot Brimjarrias, who said they had got them during a late scarcity which took place in the Nirmut district. Upon further investigation, I understand that the practice of carrying off children from one part of the country, to sell in another part, is not unusual with these people. The women appear unwilling to be sold, though they complain of their scanty food, and of the treatment they experienced from their present masters. Although your letter of the 19th December 1818, in answer to a former application on this subject, informed me that no variation whatever was to be made in the existing laws regarding slaves, yet it appears to me possible that that may be intended to be applied merely to the proprietory right over slaves in actual possession, and of recovering such as may desert; I request to be informed, if the practice of carrying slaves about for sale, of which several instances have lately been brought to my notice, is still to be permitted.

In the meantime I have been prohibited the sale of the young women in question, till I hear from you. I have, &c.

(signed) *John Briggs*, Political Agent in Candeish.

To Captain John Briggs, &c. &c. &c.

Poona, 8th Sept. 1819.

N° 19.

Sir:—I have the honour to acknowledge the receipt of your letter of the 31st ult. regarding a traffic in slaves within your district.

The sale of slaves, as described in the above-mentioned letter, is to be permitted, but all attempts to carry off young people by force, will be punished in the severest manner. I have, &c.

(signed) *M. Elphinstone*, Commissioner.

Bengal Papers: State of Slavery in Company's Territories.

Ordered, That the following letter be addressed to M. Elphinstone.

To the Honourable M. Elphinstone, &c. &c. &c.

N° 20.

Sir:—With reference to your dispatch of 8th September, I am directed to request that you will be pleased to state the grounds of your opinion regarding the expediency of permitting the sale of slaves. Independently of the general question as to tolerating the continuance of slavery, it is supposed to be very difficult to prevent the carrying off of young people by force or stealth, and other such practices, if the sale be permitted. I have, &c.

(signed *C. T. Metcalfe*, Secretary to Government.

Fort William. 16th October 1819.

Extract, Bengal Political Consultations, 18th December 1819.

Mr. Elphinstone to C. T. Metcalfe, Esq. &c. &c. &c.

N° 21.

Sir:—I have the honour to acknowledge the receipt of your letter, dated 16th ultimo, and to acquaint you that my reason for permitting the sale of slaves, was the general principle of not interfering with the laws of the country, strengthened in this instance by an indistinct recollection of having received instructions founded on that principle three or four years ago, when in doubt whether I ought to restore slaves who might take refuge in the cantonments of the Poona subsidiary force.

Bombay Castle, November 10th, 1819. I have &c.

(signed) *M. Elphinstone*. Commissioner.

Ordered, that the following letter be addressed to the chief secretary to the government of Bombay.

To Francis Warden, Esq. Chief Secretary to Government, Bombay.

N° 22.

Sir:—I am directed to acknowledge the receipt of a letter from the honourable the late Commissioner in the Deccan, dated the 10th ultimo, on the subject of the sale of slaves in the territories conquered from the late Paishwa, and to communicate to you, for the information of the Honourable the Governor in council the opinion of the Governor General in council on that subject.

2.—The importation of slaves by land or sea, and the sale of such slaves, are strictly prohibited in the dominions under the presidency of Fort William, and his Lordship is not aware of any sufficient objection to the extension of a similar prohibition to the territories conquered from the late Paishwa, as well as to the dominions under the presidency of Bombay generally if it do not already exist in those dominions.

3.—His Lordship therefore recommends this point to the consideration of the Honourable the Governor in council. I have, &c.

(signed) *C. T. Metcalfe*, Secretary to the Government.

Fort William, 18th December 1819.

Extract, Bengal Political Consultations, 4th March 1820.

Secretary to the Government of Bombay, N° 68 of 1820, to W. B. Bayley, Esq. Chief Secretary to the Supreme Government at Fort William.

Judicial Dedartment.

N° 5.

Sir:—I am directed to acknowledge the receipt of Mr. Secretary Metcalfe's letter, dated the 18th ultimo, on the subject of the sale of slaves in the territories conquered from the late Paishwa, and to acquaint you, for the information of his Excellency the Most noble the Governor General in council, that instructions have in consequence been issued to the Commissioner in the Deccan.

2.—Adverting to the conclusion of the second paragraph, I have to request you will inform his Lordship in council, that the trade in slaves is prohibited under this presidency by Regulation I. of 1813. I have &c.

(signed) *J. Farish*, Secretary to Government.

Bombay Castle, 22d January 1820.

Extract, Bengal Judicial Consultations, 21st January 1820.

Chief Secretary to Government at Bombay, to W. B. Bayley, Esq. Chief Secretary to the Supreme Government at Fort William.

Criminal, L. P.

Judicial Department.

N° 35.

Sir:—I am directed to transmit to you the accompanying copy of a dispatch from the Commissioner in the Deccan, dated the 3d instant, and to acquaint you, for

for the information of his Excellency the Most noble the Governor General in council, that the Honourable the Governor in council has approved of the reply returned by Mr. Chaplin to the magistrate at Ahmednuggur, relative to the trade in slaves in the Deccan.

Bombay Castle, 14th December 1819. I have, &c.
(signed) *F. Warden*, Chief Secretary.

To Francis Warden, Esq. Chief Secretary to Government, Bombay.

Sir:—I have the honour to forward, for the information of the Honourable the Governor in council, the copy of a letter, dated the 29th ultimo, from the collector of Ahmednuggur, together with my reply of yesterday's date.

Poona, 3 December 1819. I have, &c.
(signed) *W. Chaplin.*

To W. Chaplin, Esq. &c. &c. &c.

Sir:—I do myself the honour to inclose, for your information, copies of a letter from Mr. Wilkins, and of my reply, regarding the traffic of slaves in the conquered territories. I have, &c.
(signed) *H Pottinger*, Collector.

Circuit Cutchery, Joowur, 29th November 1819.

To Captain H. Pottinger, Collector and Magistrate of Ahmednuggur.

Sir:—I have the honour to inform you, that Brinjaries have brought lately into this district a considerable number of females, and sold them as slaves, principally to dancing girls; I beg to request to be informed if, under the territory subject to the government of Bombay, the promiscuous dealing in slaves be allowable? In making this reference to you, I beg leave to notice, that I am fully aware of the honourable the Commissioners instructions to Captain Briggs on this point; my object therefore now in bringing this subject to your notice, is merely to know if the late arrangements annexing the conquered territory to the presidency of Bombay, will make any alteration with respect to the existing laws concerning slaves.

Nassuck, 21 November 1819. I have, &c.
(signed) *William Wilkins*, Sub-Collector.

To W. Wilkins, Esq. &c. &c. &c.

Sir:—I have had the honour to receive your letter of the 21st instant.

I am of opinion that the recent orders for annexing the conquered provinces to the presidency of Bombay do not in any manner affect former usages of the country regarding slaves, and I therefore beg you will be so good as to regulate, until further orders, your decisions in all cases that may come before you, agreeable to the instructions already promulgated under the authority of the honourable the late sole Commissioner.

I shall submit copies of your letter and this reply to the acting commissioner for his sentiments on the important questions to which they relate.

I have, &c.
Circuit Cutchery, Joowur, 27th Nov. 1819. (signed) *H. Pottinger*, Collector.

To Captain Henry Pottinger, Collector, &c. &c. Ahmednuggur.

Sir:—I have the honour to acknowledge the receipt of your letter of the 27th, with its inclosed correspondence with Mr. Wilkins relative to the trade in slaves.

2.—The mitigated kind of domestic slavery which prevails in the Deccan, and has prevailed from time immemorial in most parts of India, appears to be of a description entirely different from the foreign trade in slaves, which is prescribed by recent Acts of Parliament passed since the abolition of this traffic; and although it may perhaps at a future period be necessary to introduce some regulations to prevent the stealing or kidnapping of children, I conceive that any restrictive measure that should at once put a stop to the sale of slaves, would be an innovation which would trench materially not only on long established customs, but on the rights of private property.

3.—Whether this species of servitude, or rather of mild bondage, is eventually to be continued under certain modifications or to be abolished entirely, is a question

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which is probably now under consideration; but as the importation of slaves from the Nizam's frontier, in consequence of the scarcity which prevails there, has of late greatly increased, the subject of your letter will be referred for the decision of the Honourable the Governor in council. Whatever eventual evil may result from the continuance of the traffic, it is certainly, I think, the means at the present moment of much actual good, inasmuch as it has the effect of preserving the lives of numbers of parents and children who would otherwise perish from famine.

4.—Under these considerations, and with reference to the orders transmitted to you by the late commissioner, I entirely approve of the tenor of the instructions you have sent to Mr. Wilkins.

I have, &c.

Poona, 2d Dec. 1819. (signed) *W. Chaplin.*

Minute.—The Governor General in council observes that the foregoing letters require no order.

PAPERS relative to the operation of the Bengal Regulation X. of 1811, and to a circular order issued subsequently to the date of that Regulation.—1817–1820.

Extract of a Letter in the Judicial Department, from the Governor General in council of Bengal to the Court of Directors; dated the 4th of July 1817.

Police, Division of Bareilly.

Crim. Cons. 14 Feb. 1817. 38. 52.

3.—In the proceedings of the annexed date are recorded three reports, received through the medium of the Nizamut Adawlut, from the judges of the court of Circuit for the division of Bareilly, on the termination of the first and second sessions of 1815, and the first session of 1816.

Extract, Bengal Judicial Consultations, 14th February 1817.

Criminal, W. P.

Extract of a Report from Mr. W. Leycester, the second Judge of the Bareilly Court of Circuit, dated the 9th September 1815.

N° 38.

Par. 95.—There is a very important circular order which is a matter of much discussion, which has the appearance of having been issued on the spur of a particular occasion, and thence drawn into a precedent, and which I confess I am unable, and I hope I say it as with all deference, so without offence, to consider as being in explanation of any dubious point. I allude to the construction put on the 10th Regulation of 1811, prohibiting, under penalty, the importation of slaves. The practice under this regulation and the circular order regarding it is so various, that it is very desirable it should be reconsidered, and put to rest for ever.

96.—I shall mention several slave cases that have come to my notice.

97.—In one case, Enayt Khaun is taken up by the police darogah of Bhudyke, and sent as a prisoner to the magistrate of Cawnpore, for importing two female slaves, and the magistrate discharges him, and gives him the slaves.

98.—In a second case, Ooda is taken up for importing a woman named Mauncooer, by a police sowar, and delivered over to the police darogah of Bindrabun. Ooda says he bought her for twenty-one rupees in the Ranna's country, and she admits it, and adds, she understands he means to resell her. The acting magistrate liberates the woman.

99.—In a third case, Sabet Khawn is taken up by a jemmadar, and delivered over to the darogah of Koria Gunje. It would seem he had been sent by Assud Alee Cauzee of Jelaneh to purchase a slave in the vicinity of Cassepore and Roderpoor, (the markets for slaves imported from the hills;) but on coming to Bareilly he falls in with Besharut Khan, a slave-dealer, who from his stock in hand sells to him a woman named Zuhorun, twenty years of age; but the Cauzee thinking her too old, leaves her on Sabet Khaun's hands. The assistant magistrate liberates the woman.

100.—In a fourth case, Nurotum is taken up by the darogah of Nudjeebabad. It would seem that he had purchased a woman named Anundee, for twenty rupees, of one Serya, an inhabitant of the hills. The assistant magistrate does not liberate the woman, but takes a recognizance from Nurotum to produce her, if any other claimant should appear.

101.—In a fifth case, Choonee, the head of a set of dancing girls, prosecutes Hyatt Alee Cutwaul, of Amroha, for detaining forcibly Munnuvur Jaun, one of her female

female slaves. Munnuvur Jaun says, she is not satisfied to remain with Choonee, and the magistrate liberates her. Choonee appeals, and produces a deed of sale for the slave, executed by Shumshere, an inhabitant of the hills.

102.—The opinion of the law officer of the court of Circuit is taken, who declares " the sale of a resident of this country illegal;" and the order of the magistrate was confirmed.

103.—The first case was submitted by me to the Nizamut Adawlut on the 7th February, with a recommendation that the said Enayt Khaun should be punished, and the slaves discharged or sent back as required by the 10th Regulation of 1811; and the court in reply adjudge, that under the construction given by the court to the provisions of the 10th Regulation, 1811, on the 5th October last, the case in question does not fall within the operation of that regulation; and having referred to the court's orders of the 5th October, it would seem that on a representation from Mr. Blunt, the court had decided that the regulation in question was " applicable only to the importation of slaves for the purpose of being sold, given " away, or otherwise disposed of."

104.—The cases quoted show the regulation is not so understood, or in the first case the darogah of Budhyk should have been censured for taking up Enayt Khan. In the second case the slave was not entitled to manumission; or if her declaration, that her master Ooda meant to resell her, be taken as proof that he imported her for the purpose of selling her, then Ooda should have been punished under the regulation in question. In the third case the slave was not entitled to be set free, for the purchase and sale of the inhabitants living under British dominion is not prohibited; but the case shews a decided intention in the Cauzee to have purchased a slave imported from the hills; and in the fourth case, the darogah of Nujeebabad should have been censured for taking up Nurotun; and in the fifth case the female slave was not entitled to manumission.

105.—There is also reason to believe that the government conceive they have enacted a regulation to prohibit and render penal the importation of slaves, for whatever purpose they might be imported. The following copy of a letter from the secretary to government to this court, under date the 20th September 1812, would seem to shew that unqualified prohibition was intended.

To F. Hawkins, Robert Ker and A. Ross, Esqrs. Judges of the Provincial Court of Appeal and Circuit for the Division of Bareilly.

Jud. Department.

Gentlemen: I am directed by the Right honourable the Governor General in council, to desire that you will ascertain and report whether the provisions of Regulation X. 1811, have proved effectual in preventing the importation of slaves from foreign countries into districts included within the limits of your jurisdiction.

I have the honor to be, &c. &c.
(signed) *G. Dowdeswell,* Sec. to Government.

Council Chamber, 26th September 1812.

106.—And accordingly the court, in their reply, under date the 4th December 1812, report that " the traffic in slaves imported from foreign countries is almost, if not " entirely, suppressed." It is melancholy to reflect on the many acts of injustice which must have been committed to bring about this suppression, if in fact the regulation was construed, that importation of slaves was not prohibited excepting for the purpose of resale.

107.—It seems to be very generally understood that the regulation in question does actually prohibit the importation of slaves.

108.—The title of the regulation is for preventing " the importation of slaves " from foreign countries, and the sale of such slaves, &c." and great pains appear to be taken to disjoin the double object of the regulation. It is not to prevent the importation and sale of slaves from foreign countries, but to prevent their importation. and to prevent also their sale if imported.

109.—The preamble is,—" whereas instances have occurred of the importation " of slaves from foreign countries into the British territories; and whereas such " traffic is inconsistent with the dictates of humanity, &c." Here is no allusion to a resale. The importing slaves from foreign countries is termed a traffic. The second section, in express terms, prohibits the importation. The third section prescribes a punishment for importing them, and the fourth section prescribes, that persons imported as slaves shall be liable to be discharged, or sent back to their friends.

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110.—In all these important sections there is no reference whatever to the purpose of the import. The person imported as a slave is liable to be discharged or sent back. Is it to be understood that this unqualified right to a discharge is to be limited by the intentions of the importer, which never can be known to man but through some overt act, by which the actual state of slavery would be no way altered, but the right of the slave master merely transferred, perhaps to the improvement of the condition of the slave. I do not perceive how any slaves imported can be shut out from the benefit of this section; and in the end, what is to be done if these slaves are resold? The regulations are silent and against the inference that would perhaps be drawn from the regulation in question invalidating the sale; there are two points might be urged, 1st, Whether an indigenous slave, or an imported slave was not known; 2d, That the state of the slave is the same, that he has long been known as a slave; and that, if the resale and not the state of slavery is objectionable, it will be sufficient to invalidate it, and leave the slave with the first importer, no loss having been sustained, and consequently no right acquired by the proposed transfer.

111.—The purchasing of indigenous slaves will be rendered very unsafe, (I beg to be understood as not meaning to speak in its favour,) if a man is liable to be tricked out of his property by its being shewn that the slave is imported, not indigenous, and therefore not liable to sale; and this might occur after a long lapse of years of slavery, when the mode of acquisition, or rather the period of its legality, (for if the acquisition as made in a foreign country, whether by kidnapping or in what way cannot be known), may be remembered only by a few, and as the kidnapping of children does take place in these provinces, I presume it to be more likely to happen in the neighbouring states. The people in Nepaul have often been subjected to a capitation tax, which has compelled families to sell their children, and often, as I have seen, occasioned scenes of deep distress.

112.—In every country where slavery has been established, several degrees of it have been known, each having certain rights and certain wrongs, and accordingly the situation of imported slaves, if not discharged, are quite distinct from the indigenous tribe. Will their children be slaves, and will they fall into the indigenous tribe and be liable to sale, though their mothers were not; and will the heirs of the importer succeed to his rights as masters of such slaves, or do they lapse upon his death?

113.—Though I am not aware of any difference, it may still be right to observe, that these observations do not apply merely to neighbouring states. There are very many natives of Africa in the provinces under the Bengal government, that have been imported by people now holding them as slaves, or that have been since transferred by resale, and under the operation of a different system of law. One brother may be a respected free man and a man of family in Jamaica, while the other may be, not merely a slave himself, but entail the curse of slavery on his whole race; at the same time that it may have been a matter of chance which brother was sent to the west, and which to the east.

114.—The apparent discordance of the fifth section is, I presume, ascribable to the circumstance, that captains of vessels can only come under the regulations of the Bengal government as to the point at issue, upon their bringing slaves on shore; but any master of a vessel bringing a cargo of slaves, whether to the East or the West Indies, would, I presume, be amenable for a felony to the English law.

115.—But the bond noted in the fifth section specifies, "for the purpose of "selling, giving away, or otherwise disposing of any person imported as a slave." It is not disposing of any slave, but "of any person imported as a slave," as if expressly repelling the idea of slavery.

116.—Is not the keeping a person imported as a slave to be a slave, a disposal of him; and what is to be said to the notorious fact of female persons so imported as slaves, being let out in retail for the purposes of prostitution, and any offspring they may have being sold, agreeable to the daily practice regarding the indigenous slaves of the country, for the benefit of the slave master. This surely is a disposal of them and of their issue.

117.—I think the indigenous slavery in the country a sufficient evil, and I hope the 10th Regulation, 1811, will be found to bear me out in my protest against the importation of persons as slaves from foreign countries

118.—I should think it fairly to be inferred, that the government of this country by the enactment of the 10th Regulation, 1811, meant to go hand in hand with the measures pursued at home.

119.—At

119.—At all events, if the regulation in question does not prohibit the importation of slaves, I humbly submit, that a regulation of the kind is much needed. It seems very desirable that an Act which the British legislature has marked as a felony, and which would be tried and punished as such in the supreme court, should no longer be tolerated in these provinces.

120.—Many estates in the country are cultivated by indigenous slaves, but it is very desirable it should no longer be possible to transfer the African slave trade from the West to the East Indies, with only one proviso against it, that the slaves may not be resold; and it is also most desirable that the present importation of females, for the purpose of breeding up an hereditary race of slaves, should be put a stop to.

121.—Nothing perhaps is so revolting as the idea of hereditary slavery, of a man's inheriting at his birth nothing but the misfortunes of his parents, without hopes of emancipation, without the possibility of rising in life through exertion or talent, and liable every moment to be taken to the market and sold, and transferred to the possession of another. I can hardly conceive, indeed, that there could be any objection to modifying the present system of slavery by an Act declaring the children of slaves to be free; that if men will have slaves, they should also have to pay for them, and not to rear them, and inherit them like the produce of a farm-yard.

122.—I know it is argued that slaves in India are treated kindly, that they are comfortable, that in times of scarcity many must starve and die, if people who have the means of feeding them are not allowed to purchase them as slaves; many, I believe, are treated kindly and comfortably in their places, but that they all are so, that there is not a great deal of ill treatment, nobody will, I believe, assert, and there is not a crime committed among mankind, that has not, at one time or other, produced an incidental good, and it would be strange indeed if slavery were the only exception; but at all events it might be considered an adequate inducement to deeds of charity to compensate them by the labours of the object of it during one generation, instead of aggravating the sorrows of accidental necessity by slavery through all generations.

Extract from the Proceedings of the Nizamut Adawlut, under date the 12th June 1816.

Remarks and Orders of the Court of Nizamut Adawlut, on a Report from the second Judge of the Bareilly Court of Circuit, at the close of the first Circuit of that Division for 1815; dated the 9th September 1815.

47.—The circular order referred to, respecting slaves, was issued by the Nizamut Adawlut, on the 5th October 1814, and is included in the printed* collection of circular orders, under the head of *Slaves*, N° 2.

* This collection has not been received from India.

48.—The construction given by the court to the provisions of Regulation X. 1811, as "applicable only to the importation of slaves for the purpose of being "sold, given away, or otherwise disposed of, was communicated to government on "the 23d April 1812, and was again noticed in the court's resolutions of the 11th "January last, on a report from the second judge of the Moorshedabad court of "circuit."

49.—The court do not think it proper to offer any opinion upon the particular cases stated by Mr. Leycester, without having the proceedings before them, but observe, that in any cases brought before the courts of circuit, wherein it may appear that the magistrates have not correctly understood the provisions of Regulation X. 1811, as construed by the Nizamut Adawlut, it is their duty to inform and instruct the magistrates.

50.—It may be advisable to extend the provisions of Regulation X. 1811, so as to emancipate all persons imported as slaves into the British territories, for any purpose whatever, with an exception only to *bonâ fide* domestic slaves, whom their owners may have possessed, for at least one complete year before their importation, and who may accompany their owners on the latter coming to settle or reside in the Company's territories, such slaves to be registered as suggested in the letter from the secretary in the judicial department, dated the 24th ultimo, respecting the transfer of slaves within the British provinces, and afterwards to be considered within the general laws and regulations concerning such slaves.

51.—With regard to the importation of slaves by sea, the statute 51 Geo. 3. c. 23. appears to have made it felony, if any subject of His Majesty, or any other person residing under the government of the East India Company, after the 1st of June

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1812, directly or indirectly, carry away or remove from Africa, or any other country, or import, or aid in importing, into any country or place, any person or persons whatever, as a slave or slaves, or for the purpose of being sold, transferred, used or dealt with as a slave, with certain exceptions mentioned in section 4 of the said statute, and which appears to include the lawful removal of any slave or slaves from any British island, colony or settlement in the West Indies, to another, as well as the removal of any slave or slaves from one part of any foreign island, colony or settlement, to another part thereof, but do not expressly contain any similar provisions for authorizing the transportation of slaves from one part of the British dominion in India to another.

52.—The court, however, propose to consult the advocate general on the operation of this statute, and of Regulation X., 1811, with respect to the importation of slaves by sea into Bengal, whether for sale or for private service; and will report the result, with the regulation, to be prepared on the general subject as desired by government on the 29th March last.

53.—The court will only add, at present, that they fully participate in the sentiments expressed by Mr. Leycester, in abhorrence of hereditary slavery, and earnestly wish it could be discontinued, with regard to all children born under the British protection; but whilst it is allowed to remain, with respect to the progeny of existing slaves, born under the British government in the West Indies and South Africa, the abolition of it, on general principles of justice and humanity, could not, the court apprehend, be consistently proposed for India, where it has from time immemorial been sanctioned by the laws and usages of the country, and where, it may be added, the state of slavery is not so injurious to the objects of it as in other countries where it is still maintained.

Extract of a letter from the Secretary to Government to the Register to the Nizamut Adawlut, in reply to the foregoing communication.

Par. 48 to 53 of the Resolutions.

8.—The Governor General in council is disposed to think that the circular orders of the Nizamut Adawlut, under date the 23d of April 1812, have narrowed the proper construction of Regulation X. 1811, and he concurs with Mr. Leycester in the general reasoning on which he has forwarded his opinion, that the intent of the enactment was to prohibit the importation of slaves altogether, and not merely the importation of slaves "for the purpose of being sold, given away, or otherwise "disposed of."

9.—None of the latter terms are used in the 2d, 3d or 4th sections of the regulation, which simply declare the importation of slaves to be a crime, prescribe the penalties for that crime, and direct that such slaves be sent back to their friends in the country from which they may have been imported into our territories.

10.—The provisions in Regulation X. 1811, so far as they regard the importation of slaves by sea, appear to the Governor General in council to have been rendered nugatory by the statutes since enacted by the British legislature.

11.—It being the intention of the court of Nizamut Adawlut to consult the advocate general on the operation of the statute 51 Geo. 3. c. 23. and of Regulation X. 1811, and to submit a report on the result of that reference, together with the draft of a regulation to be prepared by the court on the general subject of slavery, the Governor General in council suspends the further discussion of the subject until he shall have before him the report, and the draft of the regulation in question.

Extract of a letter in the Judicial Department from the Court of Directors to the Governor General in Council of Bengal; dated 26th April 1820.

W. P.

54.—Regulation X. of 1811, passed by the Vice President in council, 6th August 1811, prohibits, under penalty, the importation of slaves by land or sea, into the territories dependent on the presidency of Fort William. The circular orders of the Nizamut Adawlut, dated the 23d of April 1812, are stated to declare the regulation in question, "applicable only to the importation of slaves for the pur- "pose of being sold, given away or otherwise disposed of." The circular orders being acted on in some districts, and the original regulation in others, Mr. Leycester, 2d judge of the Bareilly court of Circuit, found a great diversity of practice in the enforcement of the above regulation by different magistrates. Mr. Leycester states the principal circumstances of five cases of which the summary seems to be this: in the 1st and 4th cases, slaves imported by land, not offered for sale, are restored by the magistrate to the owner; in the 2d and 5th cases, slaves imported by land,

not

not offered for sale, are liberated by the magistrate; in the 3d case, a slave not imported, but sold from the stock in hand of a slave dealer, is liberated by the magistrate. It would seem, therefore, that in the 1st and 4th cases the magistrate acted on the circular orders; that in the 2d and 5th, the magistrate acted on the original regulation; and that in the 3d, the magistrate assumed a discretionary power, and extended the application of the original regulation to a case not included in it.

55.—Mr. Leycester states his opinion, that the regulation prohibits the importation of slaves absolutely, without reference to sale or disposal, and shews, in a series of very able arguments, the great inconveniences and evils that would result from a different construction. The Nizamut Adawlut in its proceedings dated 12th June 1816, observes in reply, that the construction given by the court to the provisions of Regulation X. 1811, was communicated to government the 23d April 1812. The proceedings of your government, dated the 14th February 1817, remark in consequence,—"The Governor General in council is disposed to think that the circular orders of the Nizamut Adawlut, under date the 23d of April 1812, have narrowed the proper construction of Regulation X. 1811, and he concurs with Mr. Leycester in the general reasoning on which he has founded his opinion, that the intent of the enactment was to prohibit the importation of slaves altogether, and not merely the importation of slaves for the purpose of being sold, given away, or otherwise disposed of. None of the latter terms are used in the 2d, 3d and 4th sections of the regulation, which simply declare the importation of slaves to be a crime, prescribe the penalties for that crime, and direct that such slaves be sent back to their friends in the country from which they may have been imported into our territories."

56.—We find on this subject, the following important remarks in the report of Mr. Turner, judge and magistrate of Agra, delivered to the Governor General, dated 31st January 1815:—"Sometime ago, the magistrates were required to report how far the provisions of the 10th Regulation of 1811 were adequate to the prevention of the importation of slaves from foreign territories; and I then hesitated not to state that I considered them fully so. But under the interpretation of the Nizamut Adawlut, which rules the prohibition to extend only to cases where slaves are imported for purposes of traffic, this law has nearly become a dead letter; its provisions are evaded with the utmost facility; the importer has merely to state that he has brought them into these territories for his private use, or for the service of his family and friends, and he effectually secures himself from its operation. Until some overt act be committed, it is impossible to prove that the importation was made with a view to traffic; and even then, more particularly if the bounds of this frontier district have been passed, the conviction of the offender becomes a work of great difficulty. It cannot be doubted that the allowance, under any circumstances, of the importation of slaves from foreign territories, is the source of many and great abuses. Women are seduced or finally carried away from their friends, and children kidnapped from their parents, beyond all possibility of recovery; productive, therefore, as the practice is, of private misery, and inconsistent as it is in every respect with the dictates of humanity, I have deemed the subject to merit his Excellency's consideration, and earnestly hope that measures will be taken to render the prohibition general."

57.—It appears then that on the 6th of August 1811, a regulation absolutely and strictly prohibiting the importation of slaves, was enacted by your government; that on the 23d of April 1812, a circular order of the Nizamut Adawlut restricting the prohibition to importation for sale, was submitted to your government and distributed to the provincial courts; that this circular order was known and acted on in some districts, while only the original regulation was known and acted on in others; that the original regulation was as usual transmitted to us, but that we were left in total ignorance of the circular order; that though the circular order was submitted to your government, it does not seem, notwithstanding its discrepancy with the regulation, and with your intention in enacting it, and notwithstanding the very great importance of the subject, to have been in any manner adverted to by you till your attention was called to it by one of the judges of circuit; and that from the 23d of April 1812 to the 14th February 1817, a period of nearly five years, a circular order of this vital importance, superseding a regulation and possessing all the authority of a regulation, which you would not have enacted, and which we should not have approved, was allowed to remain in force without notice on your part, and consequently was never brought to our knowledge.

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58.—On a subject so important as the importation of slaves, these circumstances would have demanded notice if the instance had been solitary, but being only one example among many of the manner in which circular orders are framed, distributed, and acted upon, they become entitled, not only in a particular, but in a general view, to the most attentive considerations.

59.—Regulation X. 1796, and XXII. 1803, provide, that in case of differences of opinion on the construction of the regulations arising among the judges of the zillah and provincial courts on matters relating to criminal justice, the point in dispute shall be referred for the interpretation of the Nizamut Adawlut; and that in case of any doubt occurring to the Nizamut Adawlut, it shall be submitted to the Governor General in council. These regulations appear to be defective in not requiring, that every circular order of the Nizamut Adawlut, shall be submitted to the Governor General in council for reference on a doubtful point, implies, that the point admits of two constructions, and though the Nizamut Adawlut may have better means than the provincial courts of judging which of the two interpretations is most consistent with the original intention of government, yet the government which enacted the regulation can alone certainly know its own intention in framing it. It is expedient, that the interpretation should bear the stamp of the same authority which promulgated the original laws, and that for this purpose, all explanatory circular orders should be submitted to you for sanction previous to promulgation. The legislative power in a state can be but one. A certain latitude of power to interpret law must necessarily be conceded to every judicial tribunal; but a power to enact its own interpretations, and to distribute such enactments under the name of circular orders, with authority equal to that of the original regulations, without the sanction or knowledge of the original legislative power, cannot be delegated to any subordinate authority, and could not, in the original framing of the regulations, have been intended to be delegated to the Nizamut Adawlut.

60.—The circular orders are stated by Mr. Leycester to have been in many places, "difficult of access, from having been received in letters, bound up with "other letters, and consigned to the same prospect of oblivion." He adds, that the Bareilly court of Circuit "had the circular orders bound up separately in four "quarto volumes." The Nizamut Adawlut observes in reply, that "since these "remarks of Mr. Leycester were written, the circular orders have been printed and "distributed to the courts of Circuit."

61.—Considering the great and extensive importance of these circular orders, we have on frequent occasions of reference to them by the judges of circuit been surprised to have never found them recorded on the consultations. It appears to us yet more extraordinary, that having been printed and distributed to the courts of circuit, they should not have been transmitted to us in the same manner as the printed regulations are transmitted. We have seen that the circular order of the 23d April 1812 does not merely explain, but amends and virtually re-enacts Regulation X. of 1811; that the circular order was submitted to you at the time of its promulgation, but that its discrepancy with your original enactment was neither corrected nor even noticed by your government till 14th February 1817. We find it stated by the judges of circuit, that the circular orders are many and voluminous, and that "it is not uncommon to hear it observed, that such a circular order abro-"gates and renders void a public law." We know not to what extent this abrogation, of which we have seen so remarkable an example in the case of Regulation X. of 1811, may have been carried in relation to other regulations. We have, therefore, a very imperfect knowledge of our judicial code while we have access to the regulations alone, and have no means of ascertaining on any occasion of reference, how far the enactment to which we refer, and which we consider as being in force, may have been modified or rescinded by a circular order of the Nizamut Adawlut. Neither can we feel assured that the controlling vigilance of your government over the degree of legislative power, thus entrusted to, or rather assumed by the Nizamut Adawlut, has been more attentively exercised in the case of other circular orders than it appears to have been in that of the 23d April 1812.

62.—We trust that a more vigilant attention will be exercised by you on similar occasions in future; and we desire that 20 copies of the circular orders of the Nizamut Adawlut which have been distributed to the courts of circuit in India, may be transmitted to us without delay, and that all circular orders of that court hereafter may be submitted for your approval before they are issued; that when sanctioned, they may be recorded on the consultation, and the same number of copies transmitted separate numbers in the packet. We cannot here avoid remarking, that

that greater care in the original construction of the regulations would afford a clear and precise definition of their intent and meaning, and supersede the necessity of circular orders altogether; and it would be better to repeal such regulations as are found of doubtful meaning, and to promulgate new laws, instead of attempting to amend them by supplementary explanations.

PAPERS relative to the disposal of the Slaves attached to the Parks on the Island of Banda, and to the means proposed to be adopted with a view to secure their emancipation after the restoration of the Molucca Islands to the Netherlands Government: 1817, 1818.

Extract of a Letter in the Political Department from the Governor General in council to the Court of Directors; dated 7th February 1818.

1.—Your Honourable Court was apprised, by the separate letter from the Governor General in council under date the 7th December 1816, in the Foreign Department, that instructions had been transmitted to the resident at Amboyna for the restitution of the Moluccas to the authority of the Netherlands government. We have now the honour to inform your Honourable Court, that the island of Amboyna, together with most of its immediate dependencies, was formally restored to the Netherlands government on the 25th March 1817. The islands of Banda, Manado, Ternate, and their dependencies, were shortly afterwards transferred to the Dutch commissioners empowered to receive possession of them.

2.—We accordingly beg leave to draw the attention of your Honourable Court to the dispatches from the resident at Amboyna, dated respectively the 12th of June and 30th July 1817, and recorded on the Consultation of the annexed date, announcing the arrangements concluded by him with the Netherlands government relative to the transfer of the spices, military stores, and other property belonging to the British government at the Moluccas. Cons. 8th Aug. 1817, N° 55 to 103.

3.—Mr. Martin's dispatch of the 12th June 1817 contains two conventions concluded by him with the commissioners, together with other documents explanatory of those engagements. In the first convention, dated the 24th March, are included the questions regarding the transfer of the spices, the surrender of the Moluccas to the Dutch authority, and other points subsidiary to that act; and the right of property in the slaves employed in the parks at Banda.

5.—The late Vice President in council having taken the subjects of the documents above referred to into his deliberate consideration, recorded his sentiments on the provisions of the arrangements concluded between Mr. Martin and the commissioners of the Netherlands government, in a minute of council bearing the same date on which the papers in question were placed on record. N° 104.

6.—To advert in detail to the resolutions of the late Vice President in council would merely be to repeat the observations passed on the several points of adjustment and discussion in Mr. Martin's dispatches, to which their attention was directed; and we therefore beg leave to refer your Honourable Court to the document in question for an exposition of the opinion of the local government on the proceedings connected with the transfer of the Moluccas.

7.—It may be proper, however, to call the especial attention of your Honourable Court to those particular points in the conventions which were not left to the exclusive decision of the government of Fort William, but were agreed to be referred to the superior authorities in Bengal, Java, and Europe.

8.—Of this description is the question whether the slaves employed in the cultivation of the parks at Banda, under the immediate superintendence of the Parkineers, as they are ordinarily termed, are to be considered as forming a part of the public property, or as belonging to the Parkineers, which is discussed by Mr. Martin in the 21st and subsequent paragraphs of his letter of the 12th June. According to the precise terms of the 6th article of the convention of the 24th March, concluded by Mr. Martin with the commissioners of the Netherlands government, it was agreed that the question of the proprietary right to the slaves should be referred to the British and Dutch authorities in Java, Bengal, and Europe; but the late Vice President in council entertaining the persuasion that the immediate agitation of the question at issue would tend to produce fruitless discussion and considerable delay in adjusting the affairs of the transfer, without producing any corresponding advantage, proposed that the above question relative to the slaves employed in the parks at Banda, together with all the other points of dispute between Mr. Martin and the

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Dutch commissioners, as described in the former dispatches, which had not been exclusively submitted to the decision of the government of Fort William, should be at once referred to the superior authorities in Europe. This subject will be further noticed in the sequel of our present dispatch.

19.—The minute of council containing the resolutions of the late Vice President in council on the arrangements concluded by Mr. Martin with the Dutch commissioners was submitted to the Governor General, in order that his Lordship might have an opportunity of conveying to the members of the local government any sentiments or observations differing from or in addition to those stated by the late Vice President in council, which a consideration of the documents might suggest to his Lordship, and of directing the adoption of a course of proceeding different from that which the late Vice President in council proposed to pursue.

Pol. Consultation, 14 Nov. 1817. N° 35.

20.—From the letter from the secretary to the Governor General, recorded on the consultation of the annexed date, the Vice President in council had the satisfaction to learn that the sentiments and resolutions of the local government had received the concurrence of the Governor General; but his Lordship's attention having been particularly attracted by the situation of the slaves employed in the parks at Banda, suggested to the consideration of the Vice President in council whether it would not be consistent with the justice and humanity of the British government eventually to draw the attention of the authorities at home to the propriety of inducing the government of the Netherlands, under either decision of the question respecting the proprietary right to the slaves, to prescribe and enforce rules for securing the slaves from ill treatment, and to take measures for the amelioration of the condition of those unhappy persons, and even for their eventual emancipation. It was stated in the dispatch last cited, that the Governor General's knowledge of the sentiments entertained by the Baron de Capelin on the subject of the system of slavery established in the Dutch colonies, suggested to his Lordship the probability of a representation to the local authorities at Java on this subject being attended with this result. His Lordship accordingly recommended to the consideration of the local government the adoption of this step in the first instance, which might perhaps preclude the necessity of referring the question to the authorities at home. It occurred also to his Lordship's judgment, that an offer to relinquish the demand for the stipulated price of the slaves might tend to excite a corresponding spirit of liberality on the part of the government of Java to co-operate with the British government in the cause of humanity.

21.—Being in possession of the Governor General's sentiments on the provisions of the arrangements concluded by Mr. Martin with the commissioners of the Netherlands government for the restitution of the Moluccas, the Vice President in council lost no time in communicating to the Commissioners General in Java the resolutions of the British government in India on the several stipulations and arrangements connected with the transfer. The address of the Vice President in council to the Commissioners General is recorded on the consultation of the date noted in the margin.

Cons. 14th Nov. 1817. N° 37.

22.—As the substance of the resolutions of the late Vice President in council is incorporated into that dispatch, together with a communication respecting the slaves framed in the spirit of the Governor General's observations on that subject, we do not deem it requisite to advert in detail to the various points which it embraces.

23.—Although the discussions arising from the transfer of the Moluccas to the Dutch nation have not been brought to an entire termination, yet we have considered it to be our duty no longer to suspend a communication to your Honourable Court of the intelligence of the restitution of those islands, and of our proceedings in consequence, in order that your Honourable Court may be enabled to found on it such communications to His Majesty's ministers as in your judgment you may deem necessary and expedient.

N° 55.

Extract, Bengal Political Consultations, 8th August 1817.

Extract of a Letter from the late Resident at Amboyna, to the Acting Chief Secretary to Government, Fort William; dated the 12th June 1817.

(VI.)

21.—The sixth and seventh articles of the convention concluded between the resident and the Dutch commissioners, dated the 24th March, relate to questions on which they have been referred to the final decision of the superior British and Netherland authorities. It is incumbent on me to afford such information as may be

be necessary for the guidance of the judgment of his Excellency the Governor General in council.

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22.—According to immemorial custom, the parks at Banda have, until the late prohibition of the trade in slaves, been cultivated almost exclusively by the labour of persons of that description. In the earlier periods of the Dutch government, the parks, together with the slaves employed on them, were, I believe, considered to be the private property of the Parkineers; who, in consequence of the distress produced by the hurricane which took place in 1778, were under the necessity of incurring debts, which on condition of the absolute surrender of the parks, with their appendages, the government contracted an engagement to discharge. This arrangement is however supposed to have been in a great measure compulsory on the part of government, which, aiming at the possession of more exclusive and absolute control over the management of the parks, than was compatible with the existence of independent private rights in the proprietors, seized the favourable opportunity of accomplishing an object which had long been in its contemplation.

23.—In this situation the parks at Banda were found, at the period of the conquest of that island by the English forces in the year 1796, and the Dutch commissioners who, after the peace of Amiens, were appointed to resume possession of the Moluccas in 1803, engaged to purchase from the British government all the slaves employed in the cultivation of the parks, at the price of 25 rix dollars for each slave.

24.—No alteration in the state of property then existing, appears to have been introduced until the year 1809, when the new regulations first promulgated towards the conclusion of that year, by Marshal Daendals, reinstated, according to the commissioner's interpretation of them, the parkineers at Banda, in the full possession of their former rights.

25.—The copy of a correct translation of those regulations is enclosed in this letter, and as it may contribute to assist the judgment of government in determining the question, I have also thought it proper to transmit the accompanying extract from a report to the Batavian government, drawn up by the governor of Banda, in the year 1806, which from the great similarity between them, formed, it is probable, the basis of the regulations afterwards enforced by Marshal Daendals. (VII.) (VIII.)

26.—It is manifest, that only a conditional right of property is communicated by those regulations to the parkineers, whose tenure is not only destitute of many of the characteristics which ascertain and distinguish private property, but even in the cases in which it seems to approach most nearly to the privileges of that condition, it is yet controlled and limited by so many circumstances of dependence and restraint, which do not coincide with such a supposition.

27.—The seventh clause which comprehends, under the description of articles provided by government, the slaves employed in the cultivation of the parks, and as such prohibits them from being either pawned or mortgaged, or considered liable to seizure for the benefit of creditors, appears to me to be still more obviously inconsistent with the opinion entertained by the commissioners, and to render it still less probable that the alienation of the slaves in question could have been intended by the author, or that he viewed them in any other light than as a trust confided to the parkineers, with a view to a specific purpose, and for the due application and distribution of whose labour in the public service, he was held to be accountable.

28.—As far as the course of uniform practice at Banda can be admitted to exercise any degree of influence on the determination of this question, it may not be irrelevant to add, that a scrupulous distinction has been always rigidly and systematically enforced between the slaves denominated public, and those who were considered as belonging to the household of the parkineer; for the former of whom he was permitted to purchase rice from the public stores at the reduced price of 50 rix dollars per cayan, while he was compelled to pay at the rate of 75 or 100 for that furnished to the latter; and that instances have frequently occurred, in which a parkineer has been dispossessed of his park, either for inattention to the care and comfort of the public slaves, or for applying their labour to purposes different from those for which they were assigned to him.

36.—The second article of this convention contains an acknowledgment, on the part of the commissioners, of the number of slaves of all descriptions existing on the parks at Banda, and of the price which they engaged to pay for them, if the claim preferred in the sixth article of the convention, dated on the 24th of March, should be rejected. A list, exhibiting the names and number of the slaves in question, is inclosed in this letter. (XII.)

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N° 61.

VI.—Articles of agreement concluded between William Byam Martin, Esq. duly empowered by his Excellency the Governor General in council of British India, and the Honourable N. Englehardt, and J. A. Van Middelkoop, Esq. duly empowered by their Excellencies the Commissioners General, on the part of His Majesty the King of the United Netherlands, for resuming the "possession of the Moluccas."

Article 6th.—The commissioners, on the part of his Majesty the King of the Netherlands, having objected on the ground of the regulations introduced by Marshal Daendals, to the purchase, at an equitable valuation, of the slaves employed in the cultivation of the parks at Banda, whom, according to their construction of the regulations, they consider to be private property; this question shall be referred to the future consideration and decision of the superior British and Dutch authorities in Java, Bengal, and Europe.

N° 62.

VII.—Instructions framed by the Dutch government, under date the twenty-second day of November 1809, to the parkineers of Banda, declaratory of their rights to, and the conditions under which they were confirmed in, the possession of their Parks.

Article 1st.—Every parkineer, provided he conforms to the conditions imposed by these instructions, shall for himself, as well as for his posterity, have the permanent and hereditary use of his present park grounds, with the right to undertake the culture of spices, together with the profits obtained therefrom.

Article 2d.—A parkineer shall, with the previous knowledge and sanction of the resident, erect the house and buildings for the accommodation of himself and his family within the park at his own expense; and in the event of forfeiture of his park, his successor shall pay to him a proper valuation for them.

Article 3d.—A parkineer may at his pleasure, bequeath in his last will, or by deed during life, he may sell, let, give and transfer his aforesaid right to the park's use, under penalty however of the nullity of such deed, when the person to whom he may transfer his right should be judged by the resident and the superintendent of spices, unfit for the management of the park.

Article 4th.—If it be allowed by the resident and the superintendent of spices, the transfer of the park may take effect, if another person to whom the management of the park can be with safety entrusted, be appointed thereto.

Article 5th.—This indulgence shall be granted when a park's use, by last will or by descent, may come to an aged widow or a minor, and such assistance becomes necessary.

Article 6th.—In general, if by deed during life, by last will or by descent, the park's use should devolve on different persons, those persons to whom it may have been conjointly transferred or descended shall preserve an undivided use and management of the park, in order to prevent, by any means whatever, the division of a park by separation of the family.

Article 7th.—The parks shall not be mortgaged or pawned, either in whole or in part, by the parkineers, still less shall the produce of the soil, more especially the spices and the articles provided by government, as the park slaves, the tools, and other things requisite for the management of the parks, be subjected to seizure by the creditors of the parkineers.

Article 8th.—The parkineers shall receive payment for their deliveries of spices at the following rates, viz.

For deliveries from Neera Sullamut and the fore coast of Great Banda:

First and middle-sized nutmegs - - -	4	stivers per lb.
For mace - - - - - -	10	,,

For deliveries from Pulo Ay, and the after land of Great Banda:

First and middle-sized nutmegs - - -	5	stivers per lb.
For mace - - - - - -	11	,,
For the meagre nutmegs from all the parks -	1½	,,
For the broken nutmegs from all the parks -	1	,,

Article 9th.—Every parkineer shall, in rotation, as soon as possible, be furnished or completed by government with the full number of park slaves considered necessary for the management of each park.

Article 10th.—The necessary park buildings in every park shall be repaired or built in the first instance by government, with the exception of the private dwelling houses of the parkineer and his family.

Article 11.

Article 11th.—Each park slave shall be provided monthly with forty pounds of rice from the public stores, for which the parkineers shall pay in the proportion of fifty rix dollars for a coyang of three thousand Dutch pounds.

Article 12th.—The parkineers will be permitted to receive from the public stores the quantity of rice requisite for themselves and families, on payment of 100 rix dollars per coyang.

Article 13th.—Clothes shall likewise be furnished from the public stores at a moderate price, for clothing the park slaves, when such issues can be made.

Article 14th.—In consideration of the enjoyment of the rights and privileges above-mentioned, every parkineer shall be bound to deliver exclusively to the Company all the spices produced on his park, for payment at the established rates.

Article 15th.—A parkineer shall therefore not only himself refrain from any alienation of the spices, contrary to the stipulations abovementioned, but shall also be responsible, and according to the exigency of the case, shall be punished, if, owing to his carelessness or neglect, opportunities are given to his domestics, to the park slaves, or to strangers, to transgress the established orders.

Article 16th.—In order to guard as effectually as possible against any infringement, the parkineers shall not allow strangers nor persons not belonging to their parks to walk or ramble about them; but on discovery of any persons so doing, they shall detain them, and deliver them over to the superintendent of spices.

Article 17th.—For a similar reason they shall not permit any person, not belonging to the park, to reside within its limits.

Article 18th.—They shall also in common, but particularly the parkineer of Comber, never suffer boats or boats crews to remain near the parks, or by the watering-place at Comber, longer than is absolutely necessary, still less to abide by night; but they shall be accountable if, without loss of time, they do not give information thereof to the superintendent of spices.

Article 19th.—The parkineers shall not make any spice-oils or banda, soap so called, and are moreover forbidden to make canary oil, without in the first instance giving notice to, and obtaining the permission of, the resident and the superintendent of spices.

Article 20th.—The parkineers shall not only be bound to deliver all the spice produce exclusively to the Company, but shall be obliged, by diligence, care and attention to the culture of the spices, to bring them to the greatest perfection, and produce the largest quantity possible.

Article 21st.—Towards the attainment of the objects abovementioned, the parkineers, in so far as regards the general management and cultivation of their parks, shall obey all orders delivered to them by the resident, the superintendent of spices, and other officers who in their respective qualities are entitled to convey them; and the parkineers shall in their conduct conform precisely to such orders, and to those herein provided.

Article 22d.—The parkineers shall, as much as possible, superintend personally the management of their park concerns, and with this view they shall reside permanently within their parks, taking care whenever they have occasion to absent themselves therefrom on any urgent private business or other sufficient reason, to produce a fit person to be approved by the resident and the superintendent of spices, to take charge of the park in the mean time.

Article 23d. In conformity with Article 14th, and the obligations required of them, the parkineers shall keep the park buildings, smoaking-house, slave-houses, and cisterns in the same state as they have been made by government. They shall keep up the number of park slaves and park tools as furnished by government according to their inventories; all deceased slaves and those deserted who may not be recovered, shall be replaced by substitutes of the same race, above fifteen and under forty years of age, without bodily defect or infirmity, under penalty, in the event of such substitutes not being accepted, that they shall be supplied at a proper valuation by the superintendent of spices.

Article 24th.—To secure the observance of the above article, a report shall be immediately made of any deceased or deserted slave to the superintendent of spices or his assistant, as likewise of the convicts and those in chains allotted to the parks, that a deficiency thereof may be supplied by government.

Article 25th.—The parkineers shall never permit the park slaves to be absent from the park, nor shall the park slaves, with or without payment, be employed on any private or domestic duties, still less shall they be exchanged, pawned, or sold.

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Article 26th.—The parkineers shall not dispose of the rice and clothes which they receive from the public stores for the use of their park slaves to any other purposes than those for which they were drawn, and they shall in every respect treat the park slaves in a proper manner.

Article 27th.—Towards the improvement of the spice plantation, care must be taken to keep the parks free of fruit and weeds; that the trees are preserved clear of creepers and bird's-dung, of ants-nests, and other impurities which obstruct the growth and impair the fertility of the trees.

Article 28th.—During the raining seasons, young nutmeg plants shall be planted in the vacant spots at the least two feet long, and from sixteen to twenty-four feet asunder, the poles for which shall be dug during the dry season.

Article 29th.—The old and barren nutmeg trees shall be cut down, and such as by standing too close together prevent the necessary and salutary circulation of the air shall be thinned, with the previous knowledge and direction of the superintendent of spices.

Article 30th.—With the concurrence of the superintendent of spices, the parkineers shall plant sheltering trees where they may be required to protect the nutmeg trees against strong winds, storms, and extreme aridity.

Article 31st.—In order that the fruit may be collected in a proper manner, the ground under the nutmeg trees shall be kept perfectly clean, so that the fruit which falls may be readily seen, and not suffered to remain until it be spoilt.

Article 32d.—With the same view the parkineers shall daily allot the necessary number of park slaves to range the park, and to collect the ripe fruit; and during the harvest time, at the least two-thirds of the park slaves shall be so employed.

Article 33d.—The parkineers shall be careful that the fallen fruit is picked up once in 24 hours and brought to the house, and not less cautious that the fruit thus collected is not mixed with the ripe fruit, but that it be delivered separately to the Company.

Article 34th.—The mace of the unripe fruit which may fall from the tree shall only be received. The nutmegs shall not be smoked, but kept in a separate place to be shown to the superintendent of spices, and afterwards burnt.

Article 35th.—The parkineers shall be particularly careful that the slaves do not shake the trees, whereby the ripe as well as the unripe fruit is made to fall; but the fruit is as much as possible to be picked off the trees, and not before the outer peel has of itself opened or cracked.

Article 36th.—In smoking the nutmegs, the parkineers shall be careful that they are not placed too thick on the platform, that they are burned at the least three times a week; and that the fire under the smoking platform be never entirely quenched, but a continual smoke kept up.

Article 37th.—The nutmeg-house on each park shall have seven divisions, each partition to be allotted for the nutmegs of one month in succession, and the daily collections of one month shall be placed on the division of the platform for such month.

Article 38th.—The mace shall be delivered clean and dry, free from dirt or dust, and unadulturated by leaves or any impurity whatever.

Article 39th.—Whenever the parkineers shall neglect any of their duties above laid down, the offender shall be punished, not only by forfeiture of the park, but arbitrarily according to the circumstances of the case.

(N° VIII.)—Extract of a Letter from the Resident at Banda, containing the transcript of a Report to the Batavia Government, drawn up in the year 1806, by Mr. Henkervlught, the Dutch Governor of Banda.

Mr. Henkervlught proceeds to lay down the regulations he proposes to be established therein; he has reference to his fifth head of consideration.

N° 63.

1st.—" The Company shall be considered the sovereign of all the parks.

2d.—" The parkineers shall be allowed a conditional right to their parks and the buildings thereon.

3d.—" The spices shall be delivered exclusively to the Company, and any parkineers failing in this duty, shall forfeit his park.

4th.—" The Company shall pay a fixed and proper price for deliveries thus made.

5th.—" The parks shall be appraised, and seven per cent paid on their value previous to the conveyance of the parks to the parkineers.

6th.—" The

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6th.—" The parks shall not be sold or transferred without the permission of government, and five per cent shall be paid on every sale and transfer; but if the park be bequeathed in the last will and testament of a parkineer, nothing shall be paid by the person succeeding in virtue thereof.

7th.—" Ten per cent shall be deducted from the amount of deliveries as rent to the Company as sovereign proprietor of the parks.

8th.—" The parkineers shall be placed under the orders of government and the court of policy, and shall obey all orders given to them.

9th.—" The parkineers shall be obliged to reside on their parks; on disobedience of orders to forfeit their parks, and to be sent to Batavia.

10th.—" The parkineers, as burghers, shall be obliged to conform to all requisitions, and to obey all orders given by government.

11th.—" The parkineers shall bind themselves to obey all orders they may receive from the Company regarding the deliveries of spices.

12th.—" The number of park slaves shall be kept complete, those that die or desert to be replaced by others from fifteen to forty years of age; when a deficiency of five slaves shall occur on any park, the parkineer to be subject to *paraate* of execution to make good the same. Original.

13th.—" The parkineers shall obey all these instructions, or be liable to the penalties contained in Article 9.

14th.—" The parkineers shall not mortgage their parks, which they will be permitted to sell for ready money only.

15th.—" A parkineer desirous of leave of absence to carry on trade, shall find a person, approved by government, to superintend his park during his absence.

16th.—" A parkineer wishing to bequeath the park to his child who may be a minor, shall produce a person, approved by government, to take charge of the park during the minority of the child."

(A true extract.) (signed) *W. B. Martin*, late Resident.

(N° IX.)—Extract of Articles of Agreement concluded between William Byam Martin, Esq. on the part of the British Government in India, and the Honourable N. Engelhardt and J. A. Van Middelkoof, Esqrs. on the part of the Commissioner General of H. M. the King of the United Netherlands, for reserving the possession of the Moluccas, the 20th May 1817.

Article 2d.—The commissioners on the part of his Majesty the King of the Netherlands, acknowledge to have received 1,567 slaves of all descriptions, being the number actually employed in the cultivation of the parks at Banda, and in the event of the rejection of the claim preferred to them by the 6th article of the convention, dated 24th March, the commissioners engage to pay at the rate of twenty-five rix dollars for each slave. N° 64.

(N° XII.)

LIST of PUBLIC SLAVES attached to the Parks of *Banda Neira, Great Banda*, and *Pulo-Ay*; also of those in the Slave Quarter.

N° 87.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Quarter.				
	MEN.				
	January				
	Tamal				
	Ameles				
	Kamis				
5	Mye				
	Luwang				
	Balie				
	Wago				
	Doosa				
10	Basta				
	Arontos				
	Antonie				
	Moo				
	Sora Kora				
15	Koodock				
	Basoe				
	Tonda				
	Diema				
	Boliling				
20	Adonis				
20	Men, Total.				
	WOMEN.				
	Rakieba				
	Memelay				
	Patjar				
	Saima				
5	Rarria				
	Meetang				
	Wanoe				
	Beena				
	Toemila				
10	Saira				
	Ternatie				
	Senkiet				
12	Women, Total.				
	CHILDREN.				
	Baba, male				
	Oejoep „				
	Sapie „				
	Arral „				
5	Mveiding „				
	Ampie „				
	Gariding „				
	Moeloth „				
	Roesa „				
10	Mariepie, female				
	Manie „				
	Mariena „				
	Raiema „				
	Boenga „				
14	Children, Total.				

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the several Parks.				
	MEN.				
	Sag - - -	42	–	–	
	Ama - -	48	–	–	
	Augustus - -	27	–	–	
	Alie - -	23	–	–	
5	Maanday - -	22	–	–	
	Ricka - -	28	–	–	
	Blanga - -	33	–	–	
	Hercules - -	19	–	–	
	Djomat - -	31	–	–	
10	Batgo - -	37	–	–	
	Marcus - -	50	5	2	
	David - -	32	5	6	
	Cornelis - -	20	5	3	
	Larray - -	47	5	1	
15	Kombotie -	30	5	5	
	Jop - -	37	5	2	
	Ker - -	42	5	–	
	Spadillee - -	47	5	–	
	Noytgedaght -	32	5	3	
20	Peperava - -	32	5	3	
	Vayday - -	37	5	1	
	February - -	52	5	2	
	Cordon - -	42	4	11	
	Maanday - -	28	5	2	
25	Ratserrille -	24	5	5	
	Booany - -	50	5	5	
	Poressa - -	19	5	1	
	Ambago - -	21	5	5	
	Raromie - -	27	5	4	
30	Poenama - -	27	5	7	
	Hadjee - -	21	5	4	
	Sanadjuga -	16	5	–	Confiscated to the Government 25th March 1813, from Taur Taknio.
	Tenembar -	–	–	–	
	Teelang Agany -	14	–	–	
35	Hodja - -	13	–	–	
	Ceram - -	32	5	2	
	Peter - -	52	5	–	
	Katjul - -	34	5	–½	
	Robilay - -	32	5	–	
40	Makiday - -	47	5	3	
	Benouko - -	52	4	10	
	Dorias - -	24	5	2	
	Nato - -	30	5	2	
	Dop - -	47	5	1	
45	Boctong - -	32	5	2	
	Saptoe - -	20	5	2	
	Kasing - -	27	5	1	Deserted 20th October 1816.
	Labang - -	32	4	11	
	Mooa - -	24	5	2	
	Boosook - -	18	5	–	
50	Djomadeen -	21	5	1	
	Spadilgie - -	24	5	5	
	Talibabo - -	13	–	–	
	Augustus - -	47	5	–	
	Eende - -	37	5	1	
55	June - -	36	4	11	
	Barontong -	27	4	10	
	Salour - -	46	5	1	
	Roboe - -	12	–	–	
	Hootor - -	38	5	–	

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MEN.				
60	Hoesia	39	5	–	
	January	25	5	6	
	Saptoe	32	5	–	
	Barolie	28	5	3	
	Bosskagie	57	5	6	
65	Tamatie	42	5	2	
	Jan	45	5	5	
	Passentie	42	5	1	
	Jonas	42	5	–½	
	Augustus	47	5	3	
70	Lapadoea	42	5	3	
	Isak	37	5	7	
	Batang Yagang	28	5	2	
	Bagonie	20	4	11	
	Schenkajee	30	4	10	
75	Salassa Ketyel	27	5	2	
	Boetong	42	4	7	
	Salassa Bazar	42	5	8	
	Mingo	47	5	–½	
	Mundiangi	32	5	–	
80	Sartatoe	52	5	4	
	Kintgang	29	5	5	
	Simbar	39	5	2	
	Castor	42	5	1	
	Mundguirgat	30	5	6	
85	Baby	32	5	5	
	Maurr	42	5	3	
	Fortuyn	18	4	8	
	Penie	28	5	4	
	Mandaliea	37	5	–	
90	Sakno	22½	5	2	
	Pakkay	20½	5	1	
	Harlgnen	21½	5	1	
	Bentoera	16	–	–	
	Maunday	72	4	10	
95	Mars	22	5	–	
	Mentor	17	4	9	
	Marcus	32	4	11	
	Hercules	22	5	8	
	Barnaba	41	4	11	
100	Florinias	40	5	3	
	Elkana	42	5	2	
	Boas	30	5	4	
	Debet	24	5	2	
	Nattatie	27	5	4	
105	Dings Oag	23	5	1	
	Tedorie	30	5	–	
	Simon	43	5	–	
	Talnassa Timon	19	4	11	
	Darius	55	5	1	
110	Miguel	32	5	2	
	Abner	23	5	3	
	Menassi	24	5	–	
	Berkat	37	4	11	
	Soikalay	42	5	5	
115	Bias	17	4	10	
	Marcerius	37	4	8	
	Resie	33	5		
	Misrat	52	5	2	
	Hoopie	15	–		
120	Boeting	25	5	3	
	Roleyn	23	5	2	
	Sondag	26	4	11	
	December	27	5	–	
	Martius	20	4	10	
125	Augustus	37	5	2	
	Slaves attached to the Parks—*continued*				
	MEN.				
	Corjumoe	14	–	–	
	Ranta	42	5	7	
	Zelamaka	42	5	–	
	Naglikir	21	5	–	
130	Mingo	38	5	2	
	Neroe	22	5	1	
	February	32	4	10	
	Rotterdam	35	5	3	
	Tober	43	4	8	
135	Outong	47	4	11	
	Sondag	35	5	1	
	Valentine	29	5	–	
	Ambrosius	31	5	3	
	Salandar	12	–	–	
140	Batjo	32	5	1	
	Djoemat	28	5	1	
	Ephraim	28	5	7½	
	Apoolo	28	4	11	
	Salassa	32	5	4	
145	Saptoe	35	5	1	
	Mandag	26	5	2	
	Silver	24	5	–	
	Salassa 2d	30	5	1	
	Robyn	20	4	5	
150	Loy	37	5	3	
	Tanbaroe	51	5	2	
	Camies	22	5	1	
	Kabool	37	5	1	
	Maanday	45	5	1	
155	Papua	14	–	–	
	Karralie	32	–	–	
	Boegies	31	4	10	
	Datang	43	5	2	
	Tober	37	5	–	
160	Dapar	27	4	9	
	Onvernaght	39	5	4	
	Wairer	52	5	3	
	Likie	36	5	5	
	Bayonie	47	5	–	
165	Tookoer	37	4	11	
	Saptor	37	4	11	
	Mareman	41	5	3	
	Annibal	20	4	10	
	Tekoas	29	5	–	
170	Saleman	47	5	2	
	Malovang	42	5	2	
	Spadilie	29	5	1	
	Yabool	25	5	2	
	Maart	36	5	4	
175	Sehipie	40	5	2	
	Anthony	51	5	1	
	Onvernaght 2d	40	5	4	
	Friday	32	–		
	Tihkora	27	5	6	
180	Hercules	32	5	5	
	Layalla	42	5	4	
	Anthony Kitchell	–	–		
	Juny	28	5	2½	
	Maurr	49	5	6	
185	Koepan Pera	36	5	–	
	Anibal	50	5	2½	
	Kassoole or Kassane	48	5	6	
	Damon	36	5	1	
	Soba	32	5	2	
190	Zacharias	42	5		
	Djoomat	43	5	1	

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda*, and *Pulo-Ay*— continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MEN.				
	Kamees - -	30	5	2	
	Pratoo - -	19	4	5	
	Anthony - -	41	5	1½	
195	Batjoo - -	30	5	4	
	Lamama - -	32	5	5	
	Manger - -	32	5	7	
	Tamocloe - -	42	5	1	
	Pattie - -	22	5	4	
200	Antony - -	24	5	—	
	Talive - -	23	5	1	
	Djomat - -	37	5	2	
	Ambrosius -	47	5	1	
	Coolo - -	42	5	2	
205	Maandag - -	25	5	2	
	Aloe - -	42	5	3	
	Randjong - -	37	5	5	
	Basta - -	32	4	11	
	Saptoe - -	47	5	—	
210	Koelie - -	37	5	—	
	Ponto - -	27	4	11	
	Gedult - -	37	5	3	
	Augustus - -	27	5	2	
	Moraffa - -	52	5	7	
215	Timlo - -	34	5	1	
	Kandorra - -	32	5	2	
	Battoe - -	33	5	5	
	Lakolor - -	52	5	5	
	Tadjee - -	37	5	4	
220	Camees - -	37	5	4	
	David - -	42	5	6	
	Ekie (liper) -	—	—	—	
	Pongayr - -	15	4	3	
	Fortnyn - -	27	5	5	
225	Wilkom - -	26	5	6	
	January - -	27	5	4	
	Maanday - -	19	4	8	
	Laconissu - -	20	5	2	
	Lakena - -	15	—	—	
230	Bayonie - -	13	5	2	
	Valentyn - -	52	5	3½	
	Lackaday -	30	5	5	
	Bermoolah -	37	5	6	
	[The name omitted in the original.]				
235	Sovey - -	27	5	3	
	Hector - -	42	5	5½	
	Robo - -	37	5	3	
	Beem - -	47	4	11	
	Basta - -	35	5	3	
240	Paris - -	38	5	5	
	Taykoeda - -	28	5	5	
	Neptinus - -	32	5	7	
	Uridag - -	29	5	3	
	Lay - - -	52	4	10	
245	Oentong - -	34	5	3½	
	Toptoe - -	22	5	2½	
	Cain Belak -	13	—	—	
	Mingo - -	13	—	—	
	Karazie - -	30	5	7	
250	Saturday - -	31	5	1	
	Maart - -	30	5	2	
	Felix - -	31	5	4	
	Laudo - -	24	5	6	
	Orson - -	50	5	—	
255	Orontos - -	32	5	—	
	Ponto - -	20	5	2	
	January - -	34	5	6	

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MEN.				
	Dingsday - -	38	5	5	
	Sunday - -	32	5	3	
260	Primo - -	22	—	—	
	Lasega - -	26	5	2½	
	Kiambang -	43	—	—	
	Sanal - -	37	—	—	
	January - -	17	—	—	
265	Manilla - -	24	5	3	
	Hector - -	41	4	11	
	Robilay - -	50	4	11	
	Welkom - -	24	4	10	
	Snaphaan - -	32	5	4	
270	Benko - -	33	5	6	
	Labasso - -	50	5	5	
	Panay - -	23	5	8	
	Overnaght -	17	4	8	
	Laay - -	43	5	4	
275	Sluomat - -	17	—	—	
	Marra - -	13	—	—	
	Dorias - -	28	5	2	
	Malacca - -	36	5	2	
	Eerleck - -	29	5	3	
280	Kapala Batoo -	18	4	6	
	Maart - -	38	5	1	
	Ismael - -	—	—	—	
	Angola - -	12	—	—	
	Ijambang - -	40	5	1	
285	Wellekom -	27	5	5	
	May - -	42	4	10	
	Pasentie - -	22	5	2	
	Labassoe - -	24	5	—	
	Mathews - -	45	5	—	
290	Goliah - -	16	4	4	
	Maniellie - -	14	—	—	
	Patoetoe - -	38	5	2	
	Maandag - -	32	5	3	
	Missere - -	72	5	4	
295	Lassie - -	26	4	—	
	Sieding - -	28	5	4	
	Lafleur - -	47	5	5	
	April - -	67	5	2	
	Ontang - -	27	5	4	
300	Salassa - -	27	5	2	
	Saptoe - -	28	5	5	
	Maart - -	42	5	3	
	Hercules - -	27	5	3	
	Mercurius - -	37	5	2	
305	Djoemat - -	27	5	4	
	Laliasso - -	42	5	2	
	Sauket - -	50	5	1	
	Spook - -	32	5	6	
	Oemar - - -	26	5	1	
310	Yamar - -	37	5	2	
	Fortnyn - -	52	5	9	
	Killirussang -	37	5	4	
	Ibrahim - -	50	5	1½	
	Katinro - -	16	4	8	
315	September -	62	4	10	
	Datong - -	17	4	8	
	Jupiter - -	28	5	3	
	Cæsar - -	27	5	1	
	Serber - -	28	5	6	
320	Taypara - -	18	4	9	
	Onvernaught -	26	5	1	
	Tikoes - -	30	5	—	
	Avanture - -	31	5	5	

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°s.	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MEN.				
	Samarong - -	19	4	10	
325	Basta - -	28	5	3	
	Abdul - -	28	–	–	
	Toboor - -	53	5	1	
	Plato - -	29	5	2½	
	January - -	51	5	3	
330	Ponto - -	28	5	2	
	Primo - -	43	5	1	
	Cardoes - -	42	5	5	
	Camees - -	39	5	7	
	Paunsie - -	33	5	–	
335	Keys - -	17	4	10	
	Katjong - -	62	5	5	
	Badjie - -	42	5	4	
	Lomps - -	41	5	2	
	Koko - -	32	4	11	
340	Magors - -	34	5	3	
	Baroe - -	37	5	3½	
	Diompe - -	23	4	9	
	Konerrer - -	47	5	1	
	Salelie - -	37	4	11½	
345	Amoos - -	34	5	3	
	Menander -	32	5	1½	
	May - -	38	5	5	
	Acontas - -	38	5	7	
	Laokie - -	–	–	–	
350	Maat - -	15	4	5½	
	Jupiter - -	27	5	2	
	Berkat - -	32	5	4	
	Saptoe - -	32	5	3½	
	Dalie - -	36	5	1	
355	Djoemat - -	32	5	–½	
	Sampie - -	37	5	3	
	Djiengooloe -	57	5	5	
	Kandatie - -	42	5	–	
	Sondag - -	22	5	–	
360	Poelay - -	40	5	3	
	Permay - -	34	5	–	
	Daengoh - -	32	5	3	
	Tekoes - -	19	4	5	
	Sanheet - -	53	5	6	
365	Anthonie - -	27	5	1	
	Sondag - -	–	–	–	
	Prims - -	42	5	4	
	Ponto - -	44	4	11	
	Isaac - -	48	5	–	
370	Gedult - -	42	5	6	
	Gardoes - -	30	4	9	
	Kema - -	31	5	1	
	Datang - -	32	4	9	
	Mey - -	46	6	–½	
375	Papoea - -	50	4	11	
	Slamat - -	32	5	3	
	Ceram - -	32	5	2	
	Ankoolie - -	31	5	5	
	Mamlyce - -	30	5	2½	
380	January - -	30	5	3	
	Marcus - -	42	5	3	
	Junie - -	24	4	11	
	Lay - - -	32	5	2	
	Kodja - -	57	5	7	
385	Hercules - -	35	5	3	
	Endie - -	28	5	2	
	September -	27	5	1	
	David - -	27	5	9	
	Goliah - -	27	–	–	
390	Palamedas -	30	5	2	
	Baerony - -	43	5	3	
	Mingo - -	19	5	–	
	Sactie - -	27	5	1	
	Daniel - -	13	–	–	
395	Bess - -	27	5	1	
	Aboel - -	37	5	–	
	Mingo - -	16	4	3	
	Soobah - -	22	4	11	
	Manor - -	18	–	–	
400	November -	40	5	–	
	Rabo - -	32	5	3	
	February - -	30	5	1	
	Ambrocius -	52	5	–	
	Mangirai - -	34	5	4	
405	Salassa Papooa	12	4	10	
	Salamat - -	17	4	7	
	Karrah - -	52	5	2	
	Sondag - -	27	5	1	
	Fortnyn - -	25	5	2	
410	Robbo - -	28	5	4	
	Sineng - -	38	5	2	
	Kasiany - -	25	5	–½	
	Makanty - -	32	5	1	
	Batjee - -	29	5	6	
415	Palie - -	22	5	3	
	Labosse - -	29	5	3	
	Mangary - -	32	5	3	
	Gombo - -	32	5	4	
	Nortgedaght -	19	4	10	
420	Mamlie - -	19	5	1	
	Toypoos - -	26	5	–	
	Coolie - -	17	–	–	
	Silassa - -	14	–	–	
	Seneng - -	46	5	3	
425	Rotalla - -	29	5	2	
	Pombo - -	24	5	2	
	Cæsar - -	27	5	3½	
	Elias - -	44	5	1	
	Rabo - -	35	5	4	
430	Cordon - -	51	5	4	
	Godult - -	37	5	2	
	Cloas - - -	26	5	6	
	Maros - -	32	5	2	
	Tekoes - -	30	5	4	
435	Tosmat - -	41	5	–½	
	Tobias - -	34	5	2½	
	Doorias - -	28	5	4	
	Louis - -	27	5	4	
	Fortnyn - -	25	5		
	Aboo Lama -	39	5	3	Died.
440	Damon - -	49	5	5	
	Robbumor -	42	5	2	
	Taykoida - -	20	–	–	
	Plato - -	15	–	–	
	Moses - -	37	5	–	
445	Djoemat Banda -	32	5	4	Removed to Quarter 1815.
	Augustus - -	27	5	2	
	Djoemat Tiemor	32	5	1	
	Nortgedaght -	28	4	9	
	Randah - -	–	–	–	
	Rasie - -	38	5	6	
450	Seco - -	30	5	4	
	Philip - -	35	5	2	
	Dingsdag - -	33	5	3	
	January -	30	5	5	Died.

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MEN.				
	Basta - -	27	5	1	
	November -	40	5	4	
455	Maanday - -	32	5	3	
	Djomat - -	28	5	6	
	Joseph - -	26	5	1	
	Barollee - -	35	–	–	Died.
	Mey - -	24	5	3	
	Radja - -	29	5	2	
460	Bermoola - -	32	5	2	
	Rataba - -	28	5	4	
	Nanka - -	37	5	1	
	Raydag - -	23	4	11	
	Sehenkags -	42	5	2	
465	Trommo - -	52	5	2	
	Cardoes - -	52	5	3	
	Lakesie - -	57	5	–	
	Peguin - -	27	5	–	
	Robo - -	52	5	2	
470	Camels - -	20	4	11	
	Alie - -	37	5	4	
	Robo Kitjeel -	20	5	1	
	Sondag - -	27	5	5	
	Mangeray -	37	5	2	
475	Wongso - -	28	4	8	
	David - -	27	5	1	
	Thomas - -	13	–	–	
	Sahitoe - -	28	5	4	
	Boetong - -	32	5	5	
480	Spadiloe - -	47	5	3	
	Blananpintoe -	32	5	5	
	Laroc - -	52	5	2	
	Soesa - -	47	5	3	
	Taytak - -	28	5	5	
485	Bermocla - -	28	5	3	
	January - -	56	4	10	
	Gadong - -	12	–	–	
	Castor - -	32	4	10	
	Zondag - -	34	5	2	
490	Patty - -	27	5	4	
	Samarang -	30	5	6	
	Patjoe - -	32	5	2	
	Labassoe - -	32	5	4	
	Batjoc - -	32	5	3	
495	Basta - -	32	5	1	
	Pegoe - -	30	5	–	
	Maurr - -	52	5	2	
	Potiphur - -	12	–	–	
	Voydag - -	27	5	2	
500	Tomies - -	26	5	1	
	Saptoe - -	23	5	2	
	Mentor - -	20	4	6	
	Tau Sapo - -	17	4	6	
	Namasso - -	17	4	5	
505	Augustus - -	37	4	11	
	September -	32	5	4	
	Rongo - -	28	4	11	
	Boctony - -	16	4	5	
	Adonis - -	57	5	1	
510	Mingo - -	30	5	3	
	Augustus - -	38	5	3	
	Goliah - -	30	5	4	
	Rocekeah - -	37	5	2	
	Saturnes - -	40	5	–	
515	Kanties - -	28	5	2	
	Apollo - -	47	4	9	
	Mentor - -	37	5	6	

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MEN.				
	Mentjarie - -	32	5	2	
	Mercurius - -	30	5	–	
520	Sextus - -	30	5	4	
	Darius - -	47	5	2	
	Bessie - -	17	–	–	
	Salvinus - -	44	5	3	
	Vinkel - -	42	5	3	
525	Manak - -	34	5	4	
	Janis - -	32	5	2	
	Malthis - -	47	5	3	
	Adiem - -	40	5	2	
	Abraham - -	34	5	2	
530	Roesa - -	42	5	2½	
	Pasquil - -	29	5	2	
	Urbanus - -	37	5	–	
	Dingsday - -	37	5	4	
	Hector - -	32	4	11	
535	Ratoe - -	30	5	2	
	Trivie - -	31	5	4	
	Lakoe - -	32	5	6	
	Augustus - -	37	4	11	
	Gaurr - -	47	–	–	
540	Barole - -	47	5	3	
	Benonko - -	30	5	3	
	Maanday - -	36	5	1	
	Bergona - -	27	5	4	
	Salep - -	29	5	3	
545	Ooy - -	34	5	2	
	Busoeka - -	36	5	2½	
	Laurers - -	32	5	5	
	Effrinus - -	24	5	4	
	Hercules - -	18	4	10	
550	Sineng - -	17	4	6	
	Toekam - -	18	4	10	
	Philander - -	17	4	8	
	Maloedin - -	16	4	5	
	Engelsman -	16	4	5	
555	Telamachen -	18	5	–	
	Mingo - -	13	–	–	
	Lapa Dooa -	13	–	–	
	May - -	37	5	6	
	Berket - -	42	5	4	
560	Palalisa - -	37	5	4	
	Dollat - -	32	5	1	
	Bellie - -	32	5	1	
	Poedie - -	31	5	1	
	Pena - -	–	–	–	
565	Castor - -	31	5	4	
	Orie - -	23	5	4	
	Java - -	33	5	5	
	Batjee - -	30	5	1	
	Maandag - -	42	5	1	
570	Sebing - -	47	5	6	
	Maros - -	37	5	10	
	Barole - -	28	5	3	
	Hector - -	35	5	–	
	Toko - -	37	5	3	
575	Manilio - -	37	5	1	
	Monoeka - -	35	5	3	
	Banks - -	30	5	2	
	Klongkong -	37	5	–	
	Sene - -	28	5	1	
580	Senala - -	29	5	7	
	Sampa - -	35	5	4	
	Robo - -	34	5	4	
	Camees - -	37	5	4	

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MEN.				
	Djoemat - -	42	5	4	
585	Lebilay - -	37	5	3	
	Oedpen - -	42	5	–	
	Damon - -	19	4	11	
	Kalo Bolier -	18	4	10	
	Laboar - -	17	4	10	
590	Mingo - -	42	5	6	
	Jonas - -	32	5	3	
	Marens - -	31	5	2	
	Steeman - -	28	5	5	
	October - -	20	5	–	
595	Parasia - -	36	5	3	
	Labassoe - -	27	5	2	
	Spadille - -	20	5	1	
	Behoee - -	31	5	2	
	Juny - -	31	–	–	
600	Byjewal - -	47	5	–	
	Botta - -	42	5	8	
	Lebasso - -	32	5	3	
	Nootgetaght -	32	5	4	
	Moy Moy -	39	5	2	
605	Siba - -	–	–	–	
	Sapa - -	35	5	2	
	Bekie - -	32	5	1	
	Papooa - -	47	4	10	
	Tapo - -	25	5	–	
610	Manding - -	32	4	10	
	Pieties - -	22	5	2	
	April - -	34	5	1	
	Robo - -	32	5	–	
	Outong - -	30	–	–	
615	Cæsar				
	Kayjo				
	Jamboy				
	Malayn				
	Robbo				
620	Capido				
	Sienna				
	Romakay				
	Columbo				
	Compies				
625	Malikie				
	Talance				
	Poca				
	Odo - -	41	5	–	
	Maurr - -	30	5	6	
630	Liedya - -	24	5	2	
	Saeena - -	37	5	4	
	Jero - -	32	5	2	
	Miding - -	34	5	3	
	Saura - -	39	5	5	
635	Baga - -	35	5	6	
	Jan - - -	52	5	1	
	Rokocmaurr -	24	5	–	
	Roy - -	24	5	5	
	Madar - -	26	5	2	
640	Machut - -	31	5	1	
	Mokhte - -	26	5	4	
	Resie - -	12	–	–	
642	Men, Total.				

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	WOMEN.				
	Diana - -	17	–	–	
	May - -	28	–	–	
	Tina - -	23	–	–	
	Moro - -	34	–	–	
5	Teylebik - -	15	–	–	
	Dassie - -	38	–	–	
	Gandaria - -	50	–	–	
	Nessa - -	38	–	–	
	Sauna - -	–	–	–	Confiscated to the Government from F. Beyer.
10	Boosah - -	–	–	–	
	Clementina -	22	4	10	
	Asia - -	42	4	11	
	Tomdjong - -	32	4	8	
	Preassa - -	37	5	–	
15	Sato Doit - -	32	4	11	
	Rampie - -	37	4	8	
	Maurras - -	22	4	9	
	Raun - -	50	4	9	
	Patre - -	37	4	11	
20	Saranie - -	57	–	–	Infirm.
	Rebecca - -	26	4	10	
	Pandag - -	24	5	1	
	Mogtel - -	42	4	11	
	Warra - -	42	4	9	
25	Saloekemi -	42	4	10	
	Eroe - -	26	4	10	
	Clarinda - -	32	4	9	
	Beema - -	27	4	9	
	Aliena - -	27	4	11	
30	Tedonie - -	34	5	–	
	Beenie - -	37	5	2	
	Aletta - -	42	4	9	
	Tandjong - -	38	4	11	
	Champaka -	34	4	9	
35	Cesla - -	27	4	10	
	Poey - -	27	4	7	
	Rosina - -	27	5	5	
	Payom - -	27	5	1	
	Boessoe - -	22	4	9	
40	Willie - -	20	4	11	
	Masasayau -	13	–	–	
	Tytekoos - -	19	4	11	
	Papooa - -	16	4	9	
	Koé - -	30	4	6	
45	Poé - - -	–	4	9	
	Amidja - -	18	–	–	
	Celiba - -	42	5	–	
	Gaudaria - -	52	5	4	
	Wilhelmina -	27	4	7	
50	Ramrang - -	43	4	10	
	Terema - -	16	1	2	
	Ijampaka - -	30	4	11	
	Banverdatang -	30	4	9	
	Rampie - -	40	5	1	
55	Kalamunda -	26	5	–	
	Julia - -	42	5	1	
	Junor - -	47	4	8	
	Rosanira - -	32	5	1	
	Tanjong - -	37	4	9	
60	Wellemyntje -	47	5	–	
	Detie - -	32	5	–	
	Saima - -	40	5	–	
	Aurora - -	28	4	9	
	Silpa - -	30	4	8	
65	Poafla - -	42	5		
	Kokie - -	32	5		

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	WOMEN.				
	Triema	42	5	1	
	Tekoos	42	4	10	
	Kavanga	25	4	9	
70	Dalima	41	4	9	
	Ijampaka	42	5	–	
	Africa	–	–	–	Unfit.
	Stankie	32	4	9½	
	Boongu	16	4	6	
75	Tameany	37	5	2	
	Senitja	42	4	8	
	Papeia	16	–	–	
	Tanema or Kassie	28	4	10	
	Tameela	25	–	–	
80	Piatoee	28	4	9	
	Esther	25	5	1	
	Anak Kichell	27	5	2	
	Djamela	37	4	11	
	Augustina	61	5	1	
85	Tabitha	32	4	9	
	Dorias	30	5	–	
	Tarieme	14	–	–	
	Engelina	30	5	–	
	Dielie	29	4	3	
90	Aulina	30	5	1	
	Sitie	28	4	7	
	Boonga	22	4	9	
	Paulina	27	5	1	
	Florentina	27	4	10	
95	Beatrice	25	4	9	
	Claartye	30	5	–	
	Goening	21	4	10	
	Denda	25	4	11	
	Banseba	21	4	10	
100	Bintang	16	4	–	
	Saronic	40	4	11	
	Angelica	47	4	5	
	Tjenta	25	4	9	
	Atie	23	4	9	
105	Leonora	17	4	9	
	Pangunting	25	4	9	
	Focla	26	4	11	
	Meedja	28	–	–	
	Portia	30	4	7	
110	Kustansie	15	–	–	
	Djamela	37	4	11	
	Rosina	42	4	4	
	Europa	21	4	7	
	Clarinda	26	4	11	
115	Magtel	29	4	11	
	Dakka	37	5	1	
	Regina	41	5	–	
	Oesla	22	4	10	
	Loorie	27	4	11	
120	Saliena	27	4	7	
	Katarina	40	–	–	
	America	15	4	–	
	Piepie	28	4	6	
	Amelia	27	4	9	
125	Pomin	20	4	4	
	Pooy	50	5	1	
	Alagita	36	4	10	
	Gandareen	28	–	–	
	Josepa	50	4	9	
130	Satia	37	4	10	
	Rebecca	37	4	8	

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	WOMEN.				
	Poylikia	38	4	10	
	Beloa	31	5	3	
	Rosina	33	5	2	
135	Silpa	29	5	2	
	Kasieman	67	5	1	
	Socka Hattie	29	5	–	
	Piellie	20	5	2	
	Falieda	32	4	6	
140	Kokie	20	5	–	
	Mocra	26	4	7	
	Tredja	35	4	10	
	Poongoe	38	4	6	
	Sonia	58	4	7	
145	Pandang	22	4	7	
	Lydia	30	5	–	
	Rosie	42	5	–	
	Minerva	42	4	9	
	Sabiena	27	4	10	
150	Silvia	32	5	–	
	Jasmina	30	–	–	
	Rampe	40	–	–	
	Tanping	14	–	–	
	Beatrice	13	–	–	
155	Malattie	14	–	–	
	Sarah	29	4	8	
	Angelien	27	4	10	
	Renie	34	5	1	
	Rosie	47	4	10	
160	Larnakerie	22	4	8	
	Alida	45	4	1	
	Alert	22	4	9	
	Rasie	25	4	10½	
	Mawar	35	5	3½	
165	Moro	43	5	4	
	Tisbet	41	5	–½	
	Lalloo	38	4	8	
	Esther	26	4	7	
	Pandang	27	4	1	
170	Tockar	32	4	8	
	Bandany	27	5	3	
	Salaterie	32	4	7½	
	Gorani	16	4	4	Deserted 29th March 1817.
	Aitcloe	32	5	1	
	Poey	37	5	4	
175	Silfra	42	4	7	
	Taiomina	47	4	11	
	Minerva	32	4	10	
	Sarah	44	4	9	
	Baide	47	4	8	
180	Pala Bonga	42	5	–	
	Bentang	32	4	8	
	Champaka	37	4	9	
	Kosie	–	–	–	Infirm.
	Pendang	42	5	–	
185	Malatie	37	4	8	
	Saima	42	4	8	
	Manees	34	5	–	
	Augustine	27	4	11	
	Bemende	45	4	9	
190	Sabina	29	4	9	
	Pahara	26	4	11	
	Buhsaye	17	4	7	
	Saria	39	4	9	
	Poey	40	4	11	
195	Sanina	38	4	11	
	Rosetta	41	4	7	

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	WOMEN.				
	Pariea - -	25	4	11	
	Clara - -	37	4	11	
	Cananga - -	32	4	10	
200	Saiba - -	32	4	8	
	Malatie - -	47	5	1½	
	Bibie - -	53	4	11	
	Flora - -	34	5	1	
	Bea - -	41	5	–	
205	Patra - -	25	4	4	
	Rockie or Siebie	57	4	10	
	Aurora - -	32	4	11	
	Poey - -	55	5	2	
	Sooive - -	60	4	5	
210	Pausina - -	42	5	3	
	Patja - -	37	4	10	
	Castoorie -	29	4	10	
	Champaka -	32	4	7	
	Minerva - -	32	5	1	
215	Tamibe - -	16	–	–	
	Triego - -	13	–	–	
	Saronie - -	42	4	9	
	Rampie - -	37	5	–	
	Rooshny - -	35	4	8	
220	Camvemag -	30	4	10	
	Bandarve - -	28	4	11	
	Rosina - -	29	4	10	
	Roosie - -	32	4	11	
	Banda - -	40	–	–	
225	Bangoostan -	42	4	11	
	Bala Bonga -	22	4	9	
	Djamela - -	28	4	11	
	Clarinda - -	32	5	1	
	Olympa - -	24	4	11½	
230	Satia - -	51	5	2	
	Benie - -	31	4	6	
	Kananga - -	36	5	1	
	Camilla - -	37	4	9	
	Kananga 2d -	52	4	10	
235	Boesook - -	30	4	7	
	Magtel - -	37	4	10	
	Sarrieu.				
	Gandona.				
	Benie 2d.				
	Tondie - -	32	–	–	Died.
240	Angelica - -	27	–	–	
	Cundassa -	20	4	9	
	Peupity.				
	Mauyoor -	33	5	–	
	Damiena -	28	4	9	
245	Rosetta - -	31	4	11	
	Diana - -	40	5	2½	
	Ombong - -	41	4	10	
	Rosie - -	37	4	9	
	Mengoer - -	30	5	2½	
250	Polo Sarie -	30	4	8	
	Angelina -	22	4	8	
	Rosie 2d - -	30	4	10	
	Rosina - -	46	4	9	
	Estria - -	44	5	–	
255	Moena - -	54	4	11	
	Noressa - -	26	5	2	
	Boylilie - -	25	5	1	
	Waykelie -	33	4	11	
	Francina - -	32	4	11	
260	Katherine. -	30	4	11	
	Marrar - -	32	4	10	

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	WOMEN.				
	Dapoon - -	27	5	–	
	Juliana - -	52	4	8	
	Dalima - -	42	4	7	
265	Agar - -	32	–	–	
	Socka - -	47	4	11	
	Calista - -	28	4	11	
	Patjau - -	22	4	8	
	Camoenie -	32	5	–	
270	Rosie - -	25	4	8	
	Doua - -	14	–	–	
	Jacomina -	16	–	–	
	Over - -	12	–	–	
	Falieda - -	32	5	–	
275	Sarone - -	31	5	1	
	Tamba - -	36	4	8	
	Albertina -	42	4	10	
	America - -	26	4	11	
	Julia - -	41	4	11	
280	Klara - -	21	4	10	
	Lydia - -	22	4	11	
	Sayang - -	28	4	9	
	Rosie - -	26	5	–	
	Rambega -	12	–	–	
285	Clarissa - -	14	–	–	
	Champaka -	20	4	4	
	Diana - -	57	4	11	
	Marrar - -	41	4	9	
	Diana - -	35	4	9	
290	Calista - -	56	4	10	
	Pala Boongu -	34	5	1	
	Tamar - -	37	4	9	
	Ramasiree -	49	4	9	
	Lydia - -	33	4	7	
295	Sayang - -	32	–	–	
	Malatie - -	37	4	9	
	Gandasoolie -	53	5	2	
	Ombong - -	33	4	9	
	Alidah - -	32	5	3	
300	Justina - -	40	4	10	
	Boeta - -	30	4	11	
	Bave - -	40	4	9	
	Tamelah - -	41	4	10	
	Doelah - -	42	4	9	
305	Bietja - -	52	4	8	
	Kandie - -	27	4	10	
	America - -	40	5	–	
	Triema - -	40	5	–	
	Taykambing -	30	4	11	
310	Boonga - -	24	5	–	
	Augustina -	42	4	10	
	Tikoos - -	32	4	11	
	Robina - -	32	4	8	
	Africa - -	37	5	3	
315	Gantie - -	49	4	9	
	Aurora - -	62	4	6	
	Europa -	30	5	–	
	Susanna - -	68	4	7	
	Areidja - -	32	5	2	
320	Carolina - -	20	–	–	
	Jacomina -	48	5	5	
	Lorinda - -	26	4	11	
	Pandang - -	27	5	1	
	Rosamala -	22	4	7	
325	Boonga - -	40	4	9	
	Sameeda - -	32	5	1	
	Champaka -	35	4	9	

(continued.)

(N° XII.)--List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay* —continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	WOMEN.				
	Gandaria -	29	4	11	
	Padong - -	27	5	–	
330	Poey - -	49	4	10	
	Justina, 2d. -	47	4	8	
	Dolphina -	16	4	7	
	Albertina -	42	5	–	
	Gantie - -	47	4	11	
335	Africa, 2d. -	27	4	9	
	Quantjee -	28	4	11	
	Gambooring -	16	–	–	
	Ladong - -	14	–	–	
	Josepha - -	32	5	–	
340	Augustina -	32	5	–	
	Mina - -	19	4	7	
	Kandasa - -	32	4	7	
	Lorinda - -	42	4	10	
	Ganta - -	32	5	–	
345	Kanango -	22	5	–	
	Agar - -	32	4	11	
	Marga - -	30	4	10	
	Paim - -	32	4	10	
	Minga - -	22	4	11	
350	Sarah - -	52	4	8	
	Minerva -	28	5	–	
	Miong - -	22	5	–	
	Limbie - -	32	4	10	
	Lomia - -	34	5	–	
355	Dooa Pietas -	15	–	–	
	Manwar - -	14	–	–	
	Boosook - -	52	4	8	
	Saronie - -	42	5	2	
	Kasiera - -	22	4	11	
360	Falieda - -	14	–	–	
	Poey - -	26	4	8	
	Daphne - -	41	5	–	
	Poassa - -	22	4	9	
365	Pocnoc - -	17	4	5	
	Rampe - -	29	5	4	
	Tandjong -	27	4	9	
	Malotie - -	28	5	–	
	Saronie - -	32	4	7	
370	Taykambing -	32	–	–	
	Aliema - -	17	–	–	
	Silpa - -	12	–	–	
	Angelina -	–	–	–	Liper.
	Champaka -	31	5	–	
375	Tanjang - -	43	4	4	
	Soolassee -	43	4	11	
	Diana - -	23	5	2	
	Bintang - -	32	4	10	
	Constancie -	–	–	–	
380	Marcela - -	52	4	9	
	Mingo - -	38	4	7	
	Aneka - -	30	4	4	
	Tamiela - -	37	4	9	
	Rampie - -	52	4	8	
385	Justina - -	27	4	8	
	Rakela - -	30	4	9	
	Martina - -	34	5	1	
	Angelica -	31	4	9	
	Albertina -	14	–	–	
390	Rossina - -	39	4	9	
	Rosie - -	39	4	10	
	Boodook - -	29	4	6	
	Bynessa - -	40	4	10½	Exchanged with Magtel.
	Malattie - -	17	–	–	

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	WOMEN.				
395	Walimoe -	38	4	11	
	Poongting -	36	4	9	
	Nooa - -	28	5	–	
	Taninoe - -	26	4	11	
	Batooha - -	27	5	–	
400	Wakahogee -	27	4	7	
	Walaba - -	12	–	–	
	Iundje - -	33	5	–	
	Rosina - -	22	4	9	
	Dallar - -	26	4	10	
405	Saronie - -	32	4	11	
	Alima - -	35	4	6	
	Juliana - -	32	4	5	
	Cecilia - -	29	4	9	
	Leah - -	26	4	11	
410	Closina - -	28	4	9	
	Kassina - -	29	5	4	
	Clossine - -	42	4	10	
	Zeonipo - -	32	4	11	
	Gambin - -	34	4	11	
415	Saima - -	29	5	2	
	Silvia - -	27	4	8	
	Tayboorong -	26	4	11	
	Soarisa - -	42	5	–	
	Tisso - -	37	5	–	
420	Doca Onie				
	Pandang -	30	–	–	
	Panasso - -	27	4	11	
	Kabeena				
425	Sawassa				
	Donisa - -	22	–	–	
	Dado - -	36	4	8	
	Closina - -	42	4	10	
	Christina -	57	4	9	Died.
	Say - -	52	4	4	
430	Dietie - -	47	4	4	
	Janna - -	32	4	11	
	Lydia - -	33	4	9	
	Armenina -	32	5	5	
	Antonia - -	42	5	1	
435	Tocto - -	32	4	11	
	Pielis - -	32	5	–	
	Koolipera -	32	4	8	
	Poloo - -	22	4	7	
	Pilupola - -	21	5	1	
440	Kaymooka -	22	5	1	
	Boenga - -	20	5	–	
	Gandaria -	34	5	2	
	Namoolo -	24	4	11	
	Lorinda - -	57	4	9	
445	Maunar - -	30	4	3	
	Cananga -	23	5	–	
	Malatie - -	42	5	2	
	Morlay - -	–	–	–	
	Watania - -	–	–	–	
450	Tingalaka -	32	4	10	
	Rosetta - -	50	5	8	
	Agar - -	28	4	9	
	Pytia - -	47	5	1	
	Massa - -	37	4	10	
455	Aliema - -	52	4	11	
	Saima - -	42	4	11	
	Poey - -	32	5	1	
	Regina - -	30	4	9	
	Harmina - -	40	4	11	

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira, Great Banda,* and *Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	WOMEN.				
460	Champaka -	50	4	11	
	Portia - -	37	4	11	
	Rampie - -	37	4	11	
	Marta - -	37	4	11	
	Andromeda -	42	4	10	
465	Maer - -	32	5	–	
	Manyver -	37	4	10	
	Poenooh - -	32	4	10	
	Casoombar -	30	4	11	
	Cananga - -	50	5	1	
470	Paterara - -	24	4	8	
	Amaril - -	34	5	–	
	Jasmina - -	21	4	11	
	Rebecca - -	32	5	1	
	Rosina - -	42	4	7	
475	Africa - -	32	5	–	
	Gardanon -	32	4	9	
	Julia - -	33	4	9	
	Delila - -	52	4	7	
	Poolo Rhina -	16	4	3	
480	Tantja - -	17	4	5	
	Aletta - -	37	5	4	
	Patra - -	32	4	9	
	Sedia - -	27	5	–	
	Julia - -	28	5	1	
485	Diana - -	32	4	7	Infirm.
	Gamber - -	–	–	–	
	Clarinda - -	32	5	1	
	Sheba - -	23	4	11	
	Juliana - -	25	4	9	
490	Bintang - -	32	4	7	
	Grassia - -	34	5	–	
	Rosetta - -	42	5	–	
	Tamala - -	34	4	11	
	Mondo - -	22	4	9	
495	Satoe Doit -	23	4	11	
	Soeso - -	27	4	9	
	Hella - -	32	5	1	
	Mina - -	29	4	9	
	Lompo - -	31	4	11	
500	Minga - -	35	5	–	
	Arica - -	13	–	–	
	Closina - -	52	4	9	
	Estrea - -	52	5	–	
	Boonga - -	42	5	2	
505	Denira - -	32	4	8	
	Marta - -	32	4	9	
	Martjee - -	31	4	8	
	Rakiema -	34	4	2	
	Gandasoolie -	30	5	–	
510	Galatie - -	28	4	9	
	Poongoot -	24	4	10	
	Aliema - -	27	4	9	
	Lakeena - -	40	5	1	
	Maninga -	37	4	11	
515	Jasmie - -	23	4	10	
	Benie - -	25	–	–	
	Salastina -	13	–	–	
	Africa - -	12	–	–	
	America -	19	–	–	
520	Tego Doit -	32	4	8	
	Santjee - -	29	4	9	
	Asia - -	32	5	1	
	Sarissa - -	32	4	8	
	Conna - -	36	4	8	
525	Amelia - -	42	4	8	

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	WOMEN.				
	Sarang - -	36	4	11	
	Boynassa -	35	5	–	
	Poetgok - -	32	4	10	
	Boonga - -	37	4	11	
530	Loena - -	32	4	9	
	Paterera - -	37	4	11	
	Rassamalung - -	24	4	10	
	Niesa - -	32	4	9	
	Sabina - -	22	4	11	
535	Gardine - -	29	4	11	
	Rosie - -	32	4	10	
	Bine - -	22	4	9	
	Malatie - -	32	5	–	
	Alima - -	32	5	1	
540	Calay - -	43	5	–	
	Coolie Mata -	42	4	11	
	Adinda - -	20	4	9	
	Saronie - -	28	4	10	
	Florentina -	28	4	11	
545	Camoening -	37	4	8	
	Minerva - -	34	4	10	
	Boey - -	40	4	11	
	Lalo Molay -	45	4	11	
	Aran Kora -	37	5	–	
550	Poola Ay -	37	–	–	
	Lapa Dora -	–	–	–	
551	Women, Total.				
	MALE CHILDREN.				
	Monser - -	7	–		
	Krepo - -	7	–		
	Hadeni - -	6	–		
	Siving - -	4			
5	Pedongda -	3	–		
	Saptoo - -	four months			
	Govnon Joodjoo	4	–	–	
	Breda - -	4	–	–	
	Adnisa - -	3	–	–	
10	Baste - -	3	–	–	
	Manilie - -	3	–	–	
	Saptoe - -	$2\frac{1}{2}$	–	–	
	Maart - -	seven months.			
	May - -	four months.			
15	Jacob - -	10	–	–	
	Tiega Sooco -	7	–	–	
	Koostcoost -	$3\frac{1}{2}$	–	–	
	Sarceng - -	10	–	–	
	Assap - -	two months.			
20	Barentong -	seven months.			
	Bassier - -	two months.			
	Sarralay - -	born 29th November 1815.			
	Soosa - -	born 25th July 1816.			
	Komedie -	10	–	–	
25	Carmies - -	8	–	–	
	October -	5	–		
	Mey - -	seven months.			
	Vorydag -	six months.			
	Manings -	10		–	
30	Maranda -	7		–	
	Sampson -	14	–		
	Saptoe - -	12	–	–	
	Vrigdag -	3	–		
	Katty, or Masafy	$3\frac{1}{2}$	–	–	

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MALE CHILDREN.				
35	Robo	1	–	–	
	Daniel (Bla Panta)	–	–	–	
	Oontong (Ponto)	six months.			
	Selaedeen	five months.			
	Maanday (Asing)	half a month.			
40	April	born 9th April 1816.			
	Saturday	d° 7th December 1816.			
	Toonis	12	–	–	
	October	6	–	–	
	Sinbaar	9	–	–	
45	Coolit	8	–	–	
	Leba	6	–	–	
	Alsje	2	–	–	
	Saringhie	14	–	–	
	Socka	$2\frac{1}{2}$	–	–	
50	Rufinas	1	–	–	
	Joseph	born 2d March 1816.			
	Majoos	born 2d May 1816.			
	Tavier	born 8th July 1816.			
	Godult	born 7th September 1816.			
55	Pondok	born 27th October 1816.			
	Bayonie	9	–	–	
	Vilvaren	$2\frac{1}{2}$	–	–	
	Manielie	8	–	–	
	Soecroe	11	–	–	
60	Basta	9	–	–	
	Valentyn	10	–	–	
	Baloe	$3\frac{1}{2}$	–	–	
	David	$4\frac{1}{2}$	–	–	
	Sorthor	1	–	–	
65	Darpa	6	–	–	
	Spadilie	5	–	–	
	Marcus	4	–	–	
	Salamaton	7	–	–	
	Augustus	born 17th October 1815.			
70	Takkar	born 18th August 1816.			
	Valentyn	born 5th December 1816.			
	Yop	6	–	–	
	Sabang	5	–	–	
	Salassa	4	–	–	
75	Welkom	3	–	–	
	Sondor May	3	–	–	
	Papova	9	–	–	
	Taypoos	$1\frac{1}{2}$	–	–	
	Taykooda	one month.			
80	Maart	11	–	–	
	Adieu	8	–	–	
	Wieding	7	–	–	
	Avrel	4	–	–	
	Agat	1	–	–	
85	Isay	six months.			
	Adam	born 10th Dec. 1815.			
	September	born 30th August 1816.			
	Pala	11	–	–	
	Boenga	9	–	–	
90	Mingo	6	–	–	
	Waysamsia	7	–	–	
	Japhet	born 9th December 1815.			
	Sarang	11	–	–	
	Pela Ombong	6	–	–	
95	October	two months.			
	Mingo				
	Mardjan				
	Augustus				
	April				
100	Romalong				

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MALE CHILDREN.				
	Barente	born 11th November 1816.			
	February	seven months.			
	Arias	born 20th January 1816.			
	Saptoe	$6\frac{1}{2}$	–	–	
105	Mances	9	–	–	
	Pillio Pala	5	–	–	
	Corneles	$2\frac{3}{4}$	–	–	
	Moandag	10	–	–	
	Potiphar	10	–	–	
110	Spadilie	10	–	–	
	Soote in val	5	–	–	
	July	5	–	–	
	Saptoe	5	–	–	
	Basar	2	–	–	
115	Pieter	2	–	–	
	Taykoeda	4	–	–	
	Baratjenta	1	–	–	
	Wastor	five months.			
	Joonbarve	born 11th January 1816.			
120	Dingsday	born 11th March 1816.			
	Saturday	born 24th May 1816.			
	Djoemat	10	–	–	
	Darpa	5	–	–	
	Baroatong	2	–	–	
125	Aarba	1	–	–	
	Abodoel	–	–	–	
	Bansoesa	born 14th July 1816.			
	Saban	5	–	–	
	Malayo	11	–	–	
130	November	4	–	–	
	Letty	6	–	–	
	Mey	5	–	–	
	Moesing Palla	two months.			
	Maridag	born 20th Nov. 1816.			
135	Tayfroos	13	–	–	
	Oosman	12	–	–	
	Mingo	12	–	–	
	Tany	14	–	–	
	Roebing	11	–	–	
140	September	4	–	–	
	Aroeding	13	–	–	
	Herodes	3	–	–	
	Onvernaght	1	–	–	
	Boodernan	born 11th October 1815.			
145	Orsang	born 4th October 1816.			
	David	born 13th Dec. 1816. exchanged by Gadong.			
	Mercurius	born 9th June 1816.			
	Chelassa	11	–		
	Mingo	12	–		
150	Sereng	$2\frac{1}{2}$	–	–	
	Djoemat	12	–		
	May	10		–	
	Tay-Tay	5			
	Zalasse	4		–	
155	Abooar	3	–	–	
	Pahalo	1	–		
	Rachmat	2	–	–	
	Noochvenraght	born 28th August 1816.			
	Kersdag	1	–	–	
160	Ismael	1	–	–	
	Sondag	1	–		
	Nicodemus	born 27th July 1816.			
	Sagmat	born 5th January 1817.			
	Tinses	12	–		
165	Polo Bhun	10	–	–	

(N°. XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	MALE CHILDREN.				
	Malako	8	–	–	
	Japhet	6	–	–	
	December	3	–	–	
	Ultimo	1½	–	–	
170	Jakien	4	–	–	
	Boesooh	7	–	–	
	Bermoolah	5	–	–	
	Apslon	1½	–	–	
	Arkat	1½	–	–	
175	Sadrag	2	–	–	
	Bersoeka	born 15th August 1816.			
	Romaleng	born 1st September 1816.			
	Benius	8	–	–	
	Djoemat	born 4th October 1816.			
180	Julius	3½	–	–	
	Mercinius	born 6th November 1816.			
	Dingsday	13	–	–	
	Martinus	10	–	–	
	Tomattie	8	–	–	
185	April	4	–	–	
	Dingsday	9	–	–	
	Koral	6	–	–	
	April	2	–	–	
	Junie	1	–	–	
190	Koopong	7	–	–	
	Avinteur	two months.			
	Surrey	–	–	–	
192	Male Children, Total.				
	FEMALE CHILDREN.				
	Samina	3	–	–	
	Ijindana	–	–	–	
	Tikoos	–	–		
	Sarina	4½	–	–	
5	Poolo Sarie	8	–		
	Danda	nine months.			
	Rosie	four months.			
	Matalotic	6	–	–	
	Anda	3	–	–	
10	Jolie	4	–	–	
	Karrassie	1¼	–	–	
	Dalina	1	–	–	
	Kokies	9	–	–	
	Tekoes	10	–	–	
15	Jacomina	three months.			
	Mampalair	17	4	9	
	Francina	12	4	9	
	Adinda	11	4	10	
	Cottie	15	4	10	
20	Raa	16	4	7	
	Kourr	14	4	4	
	Arettie	7	–	–	
	Smartje	4¾	–	–	
	Almerica	4	–	–	
25	Patjar	1¾	–	–	
	Roempo	born 29th October 1815.			
	Ledia or Rattinie	born 29th December 1815.			
	Damina	born 22d September 1816.			
	Dainca	born 21st November 1816.			
30	Daiba	born 7th February 1817.			
	Catjandie	6	–	–	
	Waringie	9	–		
	Mima	3½	–	–	
	Regina	3½		–	
35	Dorsina	1		–	

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	FEMALE CHILDREN.				
	Clementina	seven months.			
	Sayang	born 8th December 1815.			
	Salima	ten months.			
	Roema Baroe	four months.			
40	Miena	11	–	–	
	Otto	8	–	–	
	Taymen Yak	13	–	–	
	Aliena	5½	–	–	
	Rosaminda	4¾	–	–	
45	Boongarath	3	–	–	
	Tatoe	7	–	–	
	Maang	7	–	–	
	Pandag	2	–	–	
	Sondor Pay	1¾	–	–	
50	Kamoning	¾	–	–	
	Rakima	six months.			
	Willemyntje	three months.			
	Sarah	three months.			
	Dakinea	1	–	–	
55	Larrarintje	born 9th December 1815.			
	Hagar	nine months, d° 21st Feb. 1816.			
	Anarria	born 21st November 1816.			
	Howlina	6	–	–	
	Florentina	¾	–	–	
60	Tarodjong	1	–	–	
	Dolphina	born 30th March 1817.			
	Tay Ayang	7	–	–	
	Polosaria	4	–	–	
	Clartjee	4	–	–	
65	Sertera	8	–	–	
	Clara	4			
	Boonga	8	–	–	
	Poonsa	four months.			
	Mondo	one month.			
70	Patjar	one month.			
	Kadera	11	–	–	
	Soenting	9	–		
	Loan	3	–	–	
	Koenang	1	–		
75	Tabitha	2	–	–	
	Catarina	four months.			
	Taypoes	born 30th July 1816.			
	Lakoresa	8	–		
	Garada	8	–	–	
80	Salea	8	–	–	
	Tockar	2	–	–	
	Flora	11		–	
	Memenag	14	–		
	Wilhelmina	10		–	
85	Nina	2½	–		
	Olympie	2½	–	–	
	Kaato	seven months.			
	Sadia	4		–	
	Putjok	2¼	–	–	
90	Pandang	born 27th December 1815.			
	Malatie	born 17th June 1816.			
	Kam Can	born 28th December 1816.			
	Silpa	born 9th March 1817.			
	Masa	three months.			
95	Augustina	two months.			
	Lao	born 22d January 1816.			
	Rosie	6			
	Flora	9	–		
	Niesa	3½	–	–	
100	Mances	3½	–		
	Robie	5	–	–	

(*continued.*)

(N° XII.)—List of Public Slaves attached to the Parks of *Banda Neira*, *Great Banda*, and *Pulo-Ay*—continued.

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	FEMALE CHILDREN.				
	Angelien	8	–	–	
	Adinda	3¼	–	–	
	Rampe Ceram	6	–	–	
105	Malatie	3½	–	–	
	Soenting	2	–	–	
	Florentina	2	–	–	
	Andermida	5	–	–	
	Mangustan	2	–	–	
110	Solatrie	1½	–	–	
	Tingelaka	2	–	–	
	Calista	4	–	–	
	Rampe	3	–	–	
	Olympie	Born 1st November 1815.			
115	Rindo	Born 18th December 1816.			
	Clementina	Born 17th January 1816.			
	Rosmoo	Born 11th March 1816.			
	Sarah	Born 24th March 1816.			
	Tanjong	Born 27th April 1816.			
120	Rumboctang	Born 10th May 1816.			
	Agelina	Born 9th July 1816.			
	Kaneepe	4	–	–	
	Pindang	7	–	–	
	Manjoor	3	–	–	
125	Poetja Palia	3	–	–	
	Angelina	Born 30th Octobor 1816.			
	Olympie	4	–	–	
	Gandasoolie	11	–	–	
	Andermeda	1½	–	–	
130	Lausa	five months.			
	Mangoosta	½	–	–	
	Pelie	8	–	–	
	Piatoe	3	–	–	
	Gandania	2½	–	–	
135	Solutase	born 1st March 1816.			
	Woana	3½	–	–	
	Albertina	14	–	–	
	Francina	9	–	–	
	Tandasie	8	–	–	
140	Piatore	4½	–	–	
	Saria	9	–	–	
	Cotta	3	–	–	
	Tandjong	1	–	–	

N°s	NAMES.	Age.	Height. Feet.	Height. Inches.	REMARKS.
	Slaves attached to the Parks—*continued.*				
	FEMALE CHILDREN.				
	Guntie	¼	–	–	
145	Kiba	7	–	–	
	Kamtang	6	–	–	
	Kaiete	4	–	–	
	Kalassa	8	–	–	
	Julia	8	–	–	
150	Minerva	born 26th October 1815.			
	Souda	9	–	–	
	Cambang	11	–	–	
	Malatie	8	–	–	
	Bitja	7	–	–	
155	America	5	–	–	
	Saibre	born 15th November 1816.			
	Savegie	born 10th December 1816.			
	Waykelie	11	–	–	
	Waynama	11	–	–	
160	Salvina	7	–	–	
	Dorcas	6	–	–	
	Niza	6	–	–	
	Mangustan	3½	–	–	
	Albertina	3	–	–	
165	Clara	3½	–	–	
	Tolinda	1½	–	–	
	Barsila	born 5th July 1816.			
	Sarra	born 14th November 1816.			
	Samaria	12	–	–	
170	Aletta	12	–	–	
	Dorila	11	–	–	
	Gandama	11	–	–	
	Samiela	1½	–	–	
	Mangustan	7	–	–	
175	Moiliaro	6	–	–	
	Agrippa	7	–	–	
	Angelina	3½	–	–	
	Ijendana	2	–	–	
	Jusmina	born 1st April 1816.			
180	Rangina	born 16th December 1816.			
	Tandjong	born 23d March 1817.			
	Fatima	3	–	–	
182	Female Children.				

ABSTRACT.

MEN	662
WOMEN	563
MALE CHILDREN	201
FEMALE d°	187
TOTAL SLAVES	1,613

Banda Neira, 1st April 1817.

WE hereby certify, That the aforegoing is an accurate List of the Slaves attached to the Quartier and Parks, at the period of the restitution of Banda to the Dutch Government.

The Commissioners on the part of the Netherlands Government.

(signed) *Maneer Ver Heeall*, Lieutenant Colonel Royal Navy, commanding his Netherland Majesty's Ship Erreth, represent late Coloniel Diete.

R. N. P. Commissioner.

(signed) *W. Berkhoy*

Resolutions of the Government, August the 8th, 1817.

Bengal Papers: State of Slavery in Company's Territories.

N° 104.

11.—On the question whether the slaves employed in the cultivation of the parks at Banda, under the immediate superintendence of the parkineers, are to be considered as forming part of the public property, or as belonging to the parkineers, which is discussed by Mr. Martin in the twenty-first and subsequent paragraphs of his letter of the 12th of June; the Honourable the Vice President records the following observations:

12.—The Vice President in council remarks, that according to the precise terms of the sixth article of the convention of the 24th March, concluded by Mr. Martin with the Commissioners of the Netherlands government, it is agreed that the question of the proprietory right to the slaves be referred to the British and Dutch authorities in Java, Bengal and Europe, but the Vice President in council entertaining the persuasion, that the intermediate agitation of the question at issue, would tend to produce fruitless discussion and considerable delay in adjusting the affairs of the transfer, without producing any corresponding advantage, proposes that the above question relative to the slaves employed in the parks at Banda, together with all the other points in dispute between Mr. Martin and the Dutch commissioners, as described in that gentleman's dispatch now under examination, which have not been exclusively submitted to the decision of the government of Fort William, be at once referred to the superior authorities in Europe.

Ordered, That a copy of the resolutions of government above recorded, together with copies of the documents they apply to, be sent, with the following letter, to Mr. Secretary Adam, for the purpose of being laid before his Excellency the Most noble the Governor General.

To John Adam, Esq. Secretary to the Governor General.

N° 106.

Sir:—The dispatches from Mr. Martin, the late resident at Amboyna, dated respectively the 12th June and 30th ult. reporting the transfer of the Moluccas to the authority of his Majesty the King of the Netherlands, were submitted to the perusal of his Excellency the Most noble the Governor General, previously to the departure of his Lordship from the presidency; I have now the honour to transmit to you the accompanying extract from the resolution of the Vice President in council of this date, containing the sentiments of the Honourable the Vice President in council, on the provisions of the arrangements concluded by Mr. Martin with the commissioners of the Netherlands government, relative to the transfer of the spices, military stores, and property belonging to the Dutch government on the island of Amboyna and its dependencies, for the purpose of being submitted to the Governor General, in order that his Lordship may have an opportunity of conveying to the Vice President in council any sentiments or observations differing from, or in addition to those stated by the members of government, which a consideration of the documents may suggest, and of directing the adoption of a course of proceeding different from that which the Vice President in council proposes to pursue.

2.—Copies of the documents to which the resolution of the government apply, are also enclosed for information and reference.

I have, &c.

(signed) *J. Lushington*,

Fort William, 8th August 1817. Acting Secretary to Government.

Extract, Bengal Political Consultations, 14th November 1817.

Extract, Letter from J. Adam, Esq. Secretary with the Governor General, dated Camp Secundra, 23d October 1817, to the Secretary to Government, Fort William.

N° 35.

3.—The Governor General entirely coincides in the opinion of the Vice President in council, that the question respecting the proprietory right to the slaves employed in the parks at Banda, which by the sixth article of the convention concluded between Mr. Martin and the Commissioners on the 24th March 1817, "is referred to the future consideration and decision of the superior British and Dutch authorities in Java, Bengal and Europe," shall be left entirely to the decision of the superior authorities in Europe (excepting in the case supposed, in what I am about to state), with the view of avoiding fruitless and embarrassing discussions as well as considerable delay in the adjustment of the transfer of the Dutch possessions in the East.

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4.—His Lordship's attention has been particularly attracted by the situation of the slaves employed in the parks, and he has directed me to submit, for the consideration of the Honourable the Vice President in council, whether it would not be consistent with the justice and humanity of the British government eventually to draw the attention of the authorities at home to the propriety of inducing the government of the Netherlands, under either decision of the question, to prescribe and enforce rules for securing the slaves from ill treatment, and to take measures for the amelioration of the condition of those unhappy persons, and even their ultimate emancipation. A knowledge, however, of the sentiments entertained by Baron Capellin, on the subject of the system of slavery established in the Dutch colonies, suggests to the Governor General the probability of a representation to the local authorities at Java on this subject being attended with this result. His Lordship therefore recommends to the consideration of the Honourable the Vice President in council, the adoption of this step in the first instance, which may, perhaps, preclude the necessity for referring the question to the authorities at home. It might, in his Lordship's judgment, be accompanied by an offer to relinquish the demand for the stipulated price of the slaves, in the confidence that this act of spontaneous liberality on the part of the British government, will be met by a correspnding spirit on the part of the government of Java, to co-operate with it in the cause of humanity.

Extract of a Letter from the Vice President in Council at Fort William, to the Commissioners General at Java, of His Majesty the King of the Netherlands; dated the 14th November 1817.

N° 37.

7.—According to the precise terms of the sixth article of the convention of the 24th of March, concluded by Mr. Martin with the Commissioners of the Netherlands government, it is agreed that the question of the proprietory right to the slaves, be referred to the British and Dutch authorities in "Java, Bengal and Europe;" but bearing in mind the anxiety which the Prince sovereign of the Netherlands is known to have manifested to co-operate with the British nation, for the abolition of the traffic in slaves, we are induced to hope that the same spirit of benevolence animates his Royal Highness's representatives in the East, and that the discussion of the question regarding the proprietory right in the slaves of Banda, may be superseded by an arrangement founded on those principles of enlightened humanity, by which both nations are actuated.

8.—Entertaining a firm conviction, therefore, that your Excellencies partake of the generous sentiments by which the public acts of your sovereign have been distinguished, they form a sanguine expectation that your Excellencies will be cordially disposed to adopt some special measures for the amelioration of the condition of those unhappy persons who are the objects of our observations. We are of opinion, however, that the object in view can only be satisfactorily accomplished by the entire emancipation of the slaves in question, and in order to evince our earnest desire to promote its success, we have the honour to intimate to your Excellencies our willingness to relinquish the demand for the stipulated price of the slaves in the parks of Banda, provided your Excellencies will consent to co-operate in the cause of humanity, by liberating those unfortunate individuals from their present state of wretchedness and degradation.

9.—Relying on this act of spontaneous liberality being met by a corresponding spirit on the part of the government of Java, we propose to suspend a communication to our superiors in England, regarding the proprietory right to the slaves, until we shall have been favoured with the communication of your Excellencies reply to the preceding suggestion.

10.—As, however, the intermediate agitation of the question at issue, in the event of our proposition being unsuccessful, would tend to produce fruitless discussion, and considerable delay in adjusting the affairs of the transfer, without producing any corresponding advantage, we are of opinion that the above question relative to the proprietory right to the slaves, together with all the other points in dispute between Mr. Martin and the Dutch commissioners, which have not been exclusively submitted to the government of Fort William, should at once be referred to the superior authorities in Europe.

Extract of a Letter in the Political Department, from the Court of Directors to the Governor General in council of Bengal; dated the 23d of May 1821.

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Par. 3.—In your letter of the 7th February 1818, you notify the transfer to the commissioners of his Majesty the King of the Netherlands, of the possessions in the seas and on the continent of Asia, the restitution of which was prescribed by the convention between Great Britain and Holland, signed in London on the 13th August 1814. The different questions arising out of the restitution of the Dutch possessions, which have been referred to Europe for adjustment, will naturally become matter of discussion and negociation between His Majesty's government and that of the King of the Netherlands, the result of which will of course be communicated to you.

Extract from the Proceedings of the Governor General in council, in the Judicial Department; containing the case of a Brahmin found guilty of murdering a Female Slave in Furruckabad, in the Bareilly Division: 1820.

Extract, Bengal Judicial Consultations, 24th November 1820.

Extract from the Report of Mr. W. Ewer, Superintendent of Police, dated the 1st June 1820.

Division of Bareilly, Furruckabad.

Criminal, W. P. N° 22.

17.—Another case of murder is, an instance of wanton and foolish barbarity; a female slave belonging to a Brahmin was in the habit of quitting his house without his permission; he therefore cut her down with his sword, was apprehended, committed to the court of circuit, convicted, and executed.

Papers relative to the prosecution of two Inhabitants of Allyghur, for stealing a Girl in the Territory of the Rajah of Bhurtpore: 1821.

Extract, Bengal Judicial Consultations, the 7th September 1821.

Acting Magistrate of Allyghur, to W. B. Bayley, Esq. Fort William.

Criminal, W. P. N° 3.

Sir:—I beg leave to request, that under the provisions of Regulation V. 1809, his Excellency the Most noble the Governor General in council will be pleased to authorize me to bring to trial before the court of circuit, at the next sessions of this district, two prisoners, named Ujoyram and Lulloo, inhabitants of this district, charged with the commission of kidnapping a girl about four years of age, from the village of Gowurdhure, situated within the territory of the Rajah of Bhurtpore.

Zillah Allighur Coel, 10th August 1821. I have, &c. (signed) *J. C. Dick*, Acting Magistrate.

Ordered, That the chief secretary write the following letter to the acting magistrate of Allyghur.

To the Acting Magistrate of Allyghur.

N° 4.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 10th ultimo, and in reply, to acquaint you, that his Excellency the Most noble the Governor General in council authorizes you to bring Ujoyram and Lulloo, the persons mentioned in your letter to trial before the court of circuit, under the provisions of Regulation V. 1809, for the crime which they stand charged with having committed in the territory of the Rajah of Bhurtpore.

Council Chamber, the 7th Sept. 1821. I have, &c. (signed) *W. B. Bayley*, Chief Sec^{y} to Gov^{t}.

Papers relative to a case of Slave Theft in the Delhi Territory; 1823.

Extract, Bengal Political Consultations, 9th May 1823.

Mr. Fraser to G. Swinton, Esq. Secretary to Government, Political Department, Fort William.

N° 34.

Sir: Some time last year, when a caravan of dancing women was proceeding from Kurnoul across the river Jumna, on the occasion of a marriage, in passing by a village of the chief of Koonjpoorah, one of the professional ladies was forcibly carried away by some armed horsemen, who took her first into the adjacent village and afterwards removed her to Koonjpoorah. This act was done, I believe, at the

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instigation of a principal servant of the chief of Koonjpoorah, in consequence of his personal attachment to the woman.

2.—The men whose property the woman was at the time she was carried off, and who still advance their claim, state her to be a purchased slave. They made a regular complaint in the division court at Punnecfut, the matter being off and on for some time, until the person who caused the woman to be carried away, seeing no other measure likely to secure her, married her; and then resisted, on the score of her honour, the measure of sending her to the civil court, to answer to the complaints of the claimants. The woman at first was averse to remaining with the person who caused her to be carried off, but the marriage ceremony very naturally made her content.

3.—The repeated desires of the division court, and of the Delhi court, reiterated through me, has produced nothing but promising answers, although it was explained perhaps improperly to the chief, that almost certainly the claimants would not be able to prove their right to the woman, and that when she was called upon to give her reply, she might do so through another person, although her presence was necessary, and that, as a matter of course as to the inviolability of her veil, that, on that score, herself or her nominal husband need be under no apprehension. Should the claimants be unable to support their right, the woman would be at liberty to go; should the right of the claimants be established, the court would require proper security, according to Saed, that her character might be no longer placed in jeopardy. It was explained likewise to the parties concerned, that the marriage could not be valid until the woman was declared free by the Saed. In short, every thing was yielded but the points of justice, which required that a native subject should have his cause fairly tried before he lost his property. The indecorous and outrageous conduct of the Koonjpoorah chief was overlooked purposely, it may be improperly, and it was desired only that proper grounds should be shewn for emancipating the woman.

I need not explain to you what the state of a woman, brought up from childhood by men who live upon her earnings as a professional dancer and singer, is; women so situated are generally nominal slaves, and only nominal; the men or women who bring them up and teach them, very seldom establish a lawful right to their persons as slaves, and when cases of this nature come before the Delhi courts, the women are almost invariably liberated. In cases where their actual slavery is established, the master is bound over in very heavy penalties never to require them to prostitute their persons; in fact, the form of appearing in court is almost the only measure necessary for any dancing woman to obtain her freedom. This form is however necessary and proper, and in the present case it is more particularly so, because the woman was taken away by force, by armed men.

It is to be remarked, that the people who carried the woman away, chose a particular spot, where the high road from Kurnoul to Meeruth passes through a small slip of the Koonjpoorah territory, that runs down along the edge of the Jumna, supposing that the act so committed upon their own independent territory would not be noticed; it escaped their judgment, that the perpetration of such an act, even within their own limits, upon a British subject, would not pass unnoticed. The high roads to Meeruth, Scharumpore, and Hurdweer, from Kurnoul pass through the Koonjpoorah territory, and to permit the chief or his servants to molest passengers in any improper way, would be absurd. The only extenuatory reply offered by the chief of Koonjpoorah, is, that the woman came voluntarily, and was not carried away by force.

Until this day the chief has evaded my demands, that the woman should be sent to reply to the complainant, and to say if she is content to remain where she is. His replies are like all natives, humble and promising, but the knowledge that no fixed political power yet stands at Delhi, induces him to go on with procrastination. Such a state of disobedience to local authority is detrimental to public security, and the first step I have taken to mark the opinion entertained of his contumacy, is to attach seven villages of district Kurnoul, held on the tenure of jageer, under a grant by the British government.

I should be very well content if the matter was so settled that the woman remained to them, and the villages to us, but it would be improper, I think, to do merely this; if the chief of Koonjpoorah has been wrong in refusing to send her to the court, he should be punished further, and required to do so; if not, it is absurd to restore his villages; but if, upon a consideration of the whole, the measures pursued

sued be approved, the chief should be informed that the villages are retained permanently, and that further perseverance in refusal to send the woman to reply to her claimants, will be visited with still harsher measures.

I may add, that the Persian proceedings in the case are too numerous to transmit to government, and would take too much of my time to translate. The man who has married the woman is not a pathan or relation to the chief, but Mussulman of low birth and humble sphere, raised to improper power by the young chief, over whom he exercises unlimited control. I am, &c.

(signed) *W. Fraser*, 2d Member officiating Political Agent.

Camp Tatainah, 1st April 1823.

Ordered, That the following letter be written to Mr. Elliott.

To the acting Agent of the Governor General in the Western Provinces.

To C. Elliott, Esq. acting Agent to the Governor General at Delhi.

N° 35.

Sir:—The Governor General in council having had under consideration Mr. Fraser's dispatch of the 1st ultimo, reporting the forcible abduction of a dancing girl belonging to a set of performers, inhabitants of the Delhi territory, by some followers of the chief of Koonjpoorah, within the limits of that estate, and the measures adopted by him in consequence, I am directed to communicate the following orders and observations thereon.

2.—The Governor General in council entirely concurs in opinion with Mr. Fraser, that the offence committed by the retainers of the chief of Koonjpoorah, was one which called for serious notice on the part of the chief local authority, but apprehends that there has been much irregularity in the mode of taking cognizance of it. It is not apparent what jurisdiction the courts either at Kurnoul or Delhi have in the business, as the Nawaub, with his servants and subjects, are not amenable to those tribunals, and the case therefore appertained entirely to the offices and authority of the agent to the Governor General and the deputy superintendent. As far as government can collect from the letter under consideration, no reference seems to have been made to the opinion or services of the latter officer.

3.—The Governor General in council cannot for a moment imagine, that the chief of Koonjpoorah, when regularly called upon by yourself, will refuse to make reparation as far as is in his power, for the outrage and violence committed by his followers, and the course which you are now desired to pursue, is the following:

4.—After communicating to that chief the strongest sentiments of displeasure with which the Governor General in council has learnt the offence of which his people have been guilty, and his own extremely improper conduct in evading compliance with Mr. Fraser's injunctions, you will instruct the deputy superintendent to investigate the affair, and to ascertain the amount of damages due to the owners of the set for the loss of the woman's services, supposing it should appear (of which indeed there cannot be any doubt) that a *bonâ fide* marriage has taken place. The deputy superintendent will further, after hearing the statements of all parties, adjudge such penalty as may seem adequate to the offence, against the principal agents in the forcible seizure of the female, and will report his decision for your final orders and the information of government. Any attempt on the part of the Nawaub to screen his adherents, and thereby obstruct the course of justice, will expose him to the suspicion of having countenanced their illegal violence, and on proof of this, you will consider yourself at liberty to impose a suitable fine on the chief himself, should his conduct in the business appear to demand that measure of infliction.

5.—When the affair shall have been settled as above, the seven Koonjpoorah villages in the district of Kurnoul, will of course be released from attachment.

I have, &c.

(signed) *G. Swinton*, Secretary to Government.

Fort William, 9th May 1823.

Extract, Bengal Political Consultations, 3d October 1823.

N° 6.

Acting Agent of the Governor General in the Western Provinces, to G. Swinton. Esq. Secretary to Government in the Political Department, Fort William.

Sir:—On the receipt of your letter, dated the 9th of May last, I forwarded a copy thereof, with Mr. Fraser's Persian proceedings, to Lieutenant Murray, and directed that gentleman to carry into effect the orders of government therein communicated.

Letters to Lieut. Murray, dated 2d and 6th June. Lieut. Murray's answer, dated 23d July. My reply, dated 26th July. Lieut. Murray's letter, dated 30th August. My answer, dated 3d September 1823.

Copies of the correspondence noted in the margin, is herewith submitted for the consideration of the Right honourable the Governor General in council, and from the Persian proceedings held by Lieutenant Murray, the marriage of Moossummah Jummia to Gholiam Mahomed Khan, is satisfactorily proved.

3.—The defendant's witnesses have deposed, that when she remained till a doolee could be procured to carry her to Koonjpoorah, she was overtaken by her Naika Moossummat Begha, who not only stripped her of her ornaments, but even took away her chudder; this, however, is denied by Moossummat Begha, and as Eddo has sworn to the value of the ornaments, Lieutenant Murray has very properly levied the amount from the defendant. Although Eddo now refuses to take the money which I have directed Lieutenant Murray to hold in deposit, he will no doubt apply for it, when he finds that the girl is not to be restored to him.

I have, &c.

Delhi, 3d Sept. 1823. (signed) *Charles Elliott*, A. G. G.

N° 7.

(Copies.)—To Lieutenant Murray, Deputy Superintendent of Sikh and Hill Affairs, Umballa.

Sir:—I have the honour to enclose, for your information and guidance, copy of a letter from the secretary to the government, dated the 9th ult. with copies of two letters addressed by me this day to Mr. Fraser, and to the Nawaub Buhadoor Jung Khan, of Koonjpoorah.

I have, &c.

Delhi, 2d June 1823. (signed) *C. Elliott*, A. G. G.

To Lieutenant Murray, Deputy Superintendent of Sikh and Hill Affairs, Umballa.

Sir:—With reference to my letter of the 2d instant to your address, I now transmit a copy of Mr. Fraser's report to government of the 1st of April last, regarding the abduction of a nautch girl by a retainer of the chief of Koonjpoorah, which has been found with some letters in the office of the board under Mr. Fraser, and signed by him, as second member, and not as agent; I also transmit herewith some Persian papers relating to this dispute, found in the Persian office of the court of circuit, which I will thank you to return, after inspection.

I have, &c.

Delhi, 6th June 1823. (signed) *C. Elliott*, A. G. G.

To C. Elliot, Esq. Agent of the Governor General, Western Provinces, Delhi.

Sir:—I have the honour to acknowledge the receipt of your letter of the 2d and 6th ult. with their several Persian and English enclosures, relative to the abduction of a female slave, the property of a Kunchun, an inhabitant of the town of Kurnoul, by a retainer of the Koonjpoorah chief.

2.—The Persian proceedings held by Mr. Fraser, detailed minutely the circumstances of the case, and this gentleman's letter of the 1st April last, to the political secretary to government, fully illustrates and canvasses the claims of the one party, and points out the violence of the other.

3.—I have failed in my endeavours to satisfy the owner of the girl, and I enclosed copy of a document under his hand, waiving all accommodation or pecuniary recompence for the loss of his property, and the services of the woman.

4.—I beg to call your attention to N° 22, of the Persian proceedings, purporting to be a petition from the woman in question, to Mr. T. Metcalfe, and that gentleman's order declaring her free, and should any person wish to prefer a claim to her, to carry their cause into the Dewance Adawlut.

5.—If the woman is not to be forced from the Koonjpoorah chief, and the proprietor will not accept a remuneration for the loss of her services, I beg to be instructed in the course I am to pursue. The claimant is a British subject; the defendant an independent chieftain; the first has lost his property, and the latter unlawfully retains it.

I have, &c.

(signed) *W. Murray*, Deputy Superintendent.

Umballa, 23d July 1823.

To Lieutenant Murray, Deputy Superintendent of Sikh and Hill Affairs, Umballa.

N° 8. Sir:—I have the honour to acknowledge the receipt of your letter, dated the 23d instant, with the Persian proceedings held by Mr. Fraser, and the document executed

executed by Eddo, prosecutor, refusing to accept any pecuniary compensation for his loss of the services of Mossummaut Jummia.

2.—According to the Mahomedan law, which in several instances has been enforced by the Nizamut Adawlut, a nautch girl is at liberty to forsake that course of life, and to unite herself in marriage to one of the faithful, and such act is by the Mahomedan law officers considered laudable. It would appear, that in this light, the case is received by the Honourable the Governor General in council, as in the 4th paragraph of Mr. Secretary Swinton's letter, dated the 9th May last, you are directed to ascertain the amount of damages due to the owners of the dancing girl, for the loss of the woman's services, supposing it should appear that a *bonâ fide* marriage has taken place.

3.—No proceedings of yours are to be found in the mofussil, I therefore am under the necessity of returning the *nuthu*, with a request that you will, in the first instance, obtain proof of the marriage, then ascertain the value of the ornaments which Moossummaut Jummia took with her, and either insist on their being returned to Edoo, or award an equivalent in cash. After this, it will be for you to determine what compensation should be made to Edoo for the loss of Moosummaut Jummia's services, and having levied the amount from Moolonee Gholam Mahomed, hold it in deposit, if Eddo should refuse to receive it, explaining to him at the same time, that according to Mahomedan law, by which he is bound to abide, a legal marriage sets aside his claim to the restoration of the girl.

4.—These points being adjusted with the principal persons concerned, you will be so obliging as to report to me, whether the conduct of the Nawaub Buhadoor Jung Khan has been such as to render it necessary that a fine should be imposed on him.

I have, &c.

Delhi, 26th July 1823. (signed) *C. Elliott*, A. G. G.

To C. Elliott, Esq. Agent to the Governor General, Western Provinces, Delhi.

Sir:—I have had the honour to receive your instructions of the 26th ult. in the case of Edoo Kunchun, and beg leave to transmit the mofussil with the proceedings held by me attached.

2.—The amount of the girl's ornaments are sworn to as amounting to rupees 450, and the loss of her services is estimated by the vakeel of chieftains attendant at my office, and to whom I referred this point, at rupees 600, making a total of rupees 1,050, which I offered to Edoo, who positively refused to receive this sum, and departed to Kumaul.

3.—The chieftain of Koonjpoorah, Buhadoor Jung Khan, has shown the most ready attention to meet my wishes, and I beg leave to bring to your notice the punishment he has already suffered in the attachment of his villages by order of the late acting agent.

I have, &c.

(signed) *W. Murray*, Deputy Superintendent.

Umballa, 30th August 1823.

Lieutenant Murray, Deputy Superintendent of Sikh and Hill Affairs, Umballa.

Sir:—I have the honour to acknowledge the receipt of your letter, dated 30th ult. with the Persian proceedings in the case of Edoo, prosecutor, versus Moolonee Gholam Mahomed.

2.—You will be pleased to hold in deposit the sum of 1,050 rupees from the defendant to be paid to Edoo when he may think proper to accept it, and I request that you will issue the necessary orders for the restoration of the estate to the Nawaub Buhadoor Jung Khan.

I have, &c.

Delhi, 3d September 1823. (signed) *C. Elliott*, A. G. G.

Ordered, That Mr. Elliott be informed that the proceedings of the deputy superintendent, and the decisions passed by himself in the case referred to in the foregoing dispatch, are entirely approved and confirmed by the Governor General in council.

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Criminal, W. P. N° 25.

PAPERS relative to the Prosecution of two native Subjects of the British Government who were detected in Kidnapping Children in the Rewah Territory: 1823.

Extract, Bengal Judicial Consultations, 28th August 1823.

To W. B. Bayley, Esq. Chief Secretary to Government, Fort William.

Sir:—I have the honor to request you will be good enough to obtain for me the sanction of the Right honourable the Governor General in council, to enable me to commit Juggernauth and Sirdar to take their trial before the court of circuit for the crime of kidnapping in the Rewah territory.

2.—The charge against them has been sufficiently substantiated to warrant their commitment.

3.—Juggernauth and Sirdar are both native subjects of the British government, and residents in this district. The former was once before apprehended on a similar charge, but was released on the plaintiff (an inhabitant of Rewah) declining to prosecute.

I have, &c.
(signed) *G. Mainwaring*, Magistrate.

Banda, S. D[n] Bundlecund, 15th August 1823.

Ordered, That the chief secretary write the following letter to the magistrate of the southern division of Bundlecund.

N° 26.

To the Magistrate of the Southern Division of Bundlecund.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 15th inst. and in reply, to acquaint you, that the Right honourable the Governor General in council authorizes you to bring Juggernauth and Sirdar the prisoners mentioned in your letter to trial before court of circuit under the provisions of Regulation V. of 1809, for the crime which they stand charged with having committed in the Rewah territory.

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

Council Chamber, 28th August 1823.

PAPERS relative to the restoration of twenty young Children, of both Sexes, who had been kidnapped in the Assam Territory, and brought for sale into the British Territories: 1823.

Criminal, L. P.

Extract, Bengal Judicial Consultations, 18th September 1823.

N° 9.

From D. Scott, Esquire, civil Commissioner in the North-east Part of Rungpore, to W. B. Bayley, Esq. Chief Secretary to the Government, Fort William.

Sir:—I have to request the permission of the Right honourable the Governor General in council to deliver up to the Assam government, five Burmese or Assamese subjects, concerned in committing dacoity and murder on the Boorhampootur, within the Assam territory, and who were apprehended with a part of the plundered property at Gowalpara.

2.—I have also to request the sanction of government to release or to send back to Assam, should they desire it, about twenty young children of both sexes, who appear to have been kidnapped by the above mentioned robbers, and brought into our territories, in contravention of the provisions of Regulation X., of 1811.

I have, &c.
(signed) *D. Scott*

Zillah Rungpore, Commissioners Office, 4th Sept. 1823.

Ordered, That the Chief Secretary write the following letter to the civil commissioner in the north-east part of Rungpore.

From Mr. Chief Secretary Bayley to D. Scott, Esq. Commissioner in the North-east part of Rungpore.

N° 10.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 4th instant, and in reply to acquaint you, that the Right honourable the Governor General in council authorizes you to deliver over to the government of Assam, the five Burmese or Assamese subjects stated to have been concerned in a dacoity and murder

murder perpetrated in the Assam territory, who were apprehended with a part of the plundered property at Gowalpara, in our territory.

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2.—His Lordship in council likewise authorizes you to release or to send back to Assam, should they desire it, the twenty children who were kidnapped by the above mentioned robbers, and brought away to the Company's territories.

I am, &c.

Council Chamber,
18th Sept. 1823.

(signed) *W. B. Bayley*, Chief Sec^{y} to Gov^{t}.

PAPERS relative to the Means employed by the Bengal Government, for the prevention of a Traffic in Slaves, to and from the Port of Calcutta, by Arab Ships: 1823.

Extract, Bengal Judicial Consultations, 25th March 1824.

Magistrates of Calcutta, to W. B. Bayley, Esq. Secretary to Government in the Judicial Department.

Criminal.

N° 28.

Sir:—We beg leave to submit to the notice of the Right honourable the Governor General in council, the annexed copy of an article which appeared in the Calcutta Journal on Saturday the 1st instant, under the head of Slave Trade in British India.

2.—It professes "to announce to the public the disgraceful fact, that Calcutta is "the mart in which the manacled African is sold like the beast of the field to the "highest bidder, that 150 eunuchs have been landed from the Arab ships this "season, to be sold in Calcutta, and that those ships are in the habit of carrying "away the natives of this country, principally females, and disposing of them in "Arabia, in barter for slaves for the Calcutta market."

3.—It is unnecessary that we should remark on the injurious tendency of these statements, calculated as they are to impress the public mind with the opinion, that the purchase and sale of slaves is openly carried on in this settlement.

4.—With a view to ascertain what foundation the editor might have for the statement published by him, he was requested, in the first instance, by Mr. Shakespeare, to disclose such information as he possessed on the subject, and his attendance was subsequently required at the police office for the same purpose.

5.—In the answer to Mr. Shakespear's letter, the editor objected to furnish any specific information on the points noticed by him, nor has he chosen to come forward when called upon more formally by the magistrates.

6.—As we have every reason to believe that the circumstances as stated by the editor are grossly exaggerated, we have not deemed it necessary to compel his attendance at the police office; but as the assertions contained in the article referred to may possibly have attracted the notice of government, we have thought proper to report the above particulars.

7.—From cases that have occasionally come to our notice, there are grounds to apprehend that the commanders of Arab ships do manage to introduce slaves into the town clandestinely, notwithstanding the penalties and restrictions in force for the prevention of such practices.

8.—Under the provision of Regulation X. 1811, a bond is taken from the commanders of a certain class of ships previously to their being allowed to land their cargoes; and they are also required to give in a list of their crews and passengers. We must confess, however, that these are very inadequate restrictions to prevent the introduction of slaves into the town; the penalty could only be enforced by the detection of the offence, which is attended with much difficulty; and in fact such part of the regulation as regards the importation of slaves by sea, must be considered to have been superseded by the statute 51 Geo. 3, c. 23, which declares the offence to be a felony.

9.—The delivering in a list of the crew and passengers affords a still less check against the evil. Such lists are not given in upon oath, nor any means taken to ascertain their correctness. It would, we conceive, be attended with benefit, both in preventing the introduction into the town of slaves as well as of persons not licensed to come to India, were commanders required to give in such lists on oath, and were all ships visited immediately on their arrival at Sangor, either by custom house officers, or officers from the bankshall, for the purpose of taking down a correct list of every person on board of them.

10.—We are further of opinion, that the taking of a bond under the provisions of section 5, Regulation X. 1811, from the captains or supercargoes therein mentioned,

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tioned, should be discontinued, and that in lieu of being required to execute a bond, a printed notice should be delivered to them on their arrival, informing them of the real penalties attached to the crime of selling or disposing of persons as slaves within the British territories. The purport of the notice should likewise be publicly promulgated on board the vessel.

We have, &c,

(signed) *H. Shakespear*, Chief Magistrate.
W. C. Blaquiere, Magistrate.
J. W. Hogg, Magistrate.
Charles Paton, Magistrate.

Calcutta, Police Office,
Nov. 1823.

Slave Trade in British India

Our readers are of course aware that the nefarious traffic in human beings is equally forbidden by the letter and the spirit of British law in every portion of the British dominions, be their geographical position what it may, whether in the frozen regions of the north, or the scorching climate of the torrid zone; wherever the British flag waves the disgraceful commerce is made criminal by British law; what, then, will the humane and enlightened community of this magnificent capital of our Eastern possessions say, when they are told, that with all its glittering spires of the temples of a pure religion; all its splendid palaces, bespeaking the taste and refinement and the riches of their inhabitants; with all its colleges and schools, and societies to promote the propagation of knowledge, civil and religious; what will they say, when they learn, that amidst all these signs of veneration for christianity, the philanthropy, the greatness, and the refinement of Britons and British subjects in a British capital, it is disgraced by witnessing the lowest degradation of the human species? That this great capital is in short at once the depôt of the commerce and riches of the East, and the mart in which the manacled African is sold like the beast of the field to the highest bidder. What may be said to this by the enlightened community we address, we need not anticipate; it is our duty to announce to them the disgraceful fact. We are informed that 150 eunuchs have been landed from the Arab ships this season, to be sold as slaves in the capital of British India! It is known too, that these ships are in the habit of carrying away many of the natives of this country, principally females, and disposing of them in Arabia, in barter for African slaves for the Calcutta market!! Can it be possible that such degrading, such wicked scenes are passing around us, and that the actors are suffered to escape unnoticed and unpunished? We fear the fact is too true; but we hope that the publicity thus given to it will lead to the prevention of such gross violations of law and humanity in future. We can conceive the difficulty of detection in these cases; but let all those who are aware of the illicit practices of these followers of Mahomet remember, that they are imperiously called on as christians, and as British subjects in particular, to bring to punishment these violators of law and humanity. Nature shudders at the thought of the barbarities practised by these abusers of God's noblest creature, who are led by an accursed thirst of gold to brutalize the human species; only one fact shall suffice to shew the savage and murderous barbarity resorted to by the wretches engaged in a traffic so revolting to humanity. A gentleman has informed us, that of 200 African boys emasculated at Judda, only ten survived the cruel operation. After such a statement, it would be to suppose our fellow subjects totally destitute of all the best feelings of our own nature, to doubt that every exertion will be made by such of them as can in any way aid in putting down a traffic so inhuman and abominable, and in preventing the capital of British India from being disgraced by it.

(True copy.) (signed) *H. Shakespear*, Chief Magistrate.

Note.—The following Resolution was passed on the 27th November last.

N° 29. Resolutions.—The Governor General in council having taken into his consideration the foregoing report from the magistrates of Calcutta, records his entire approbation of the proceedings adopted by them, with a view to ascertain whether there existed any, and what foundation for the statement contained in the Calcutta Journal of the 1st instant, under the head of "Slave Trade in British "India."

It is stated by the magistrates, that from cases which have occasionally come to their notice, there are grounds to apprehend that the commanders of Arab ships do manage to introduce slaves into the town clandestinely, notwithstanding the penalties and restrictions in force for the prevention of such practices, and it seems, therefore,

fore, highly desirable to adopt such further measures as may be best calculated to guard against any future occurrences of the same nature.

His Lordship in council conceives that the commanders, officers, and owners of the ships, by which the traffic alluded to in the letter of the magistrates is carried on, are not ordinarily subjects of His Majesty; that they do not reside in any of the islands, colonies, settlements, &c. belonging to the United Kingdom, or in His Majesty's occupation and possession, or under the government of the United Company, and that they therefore are not liable to the penalties of the 51st Geo. 3, c. 23. But all persons resident in Calcutta, who are directly or indirectly concerned, or aiding and assisting in the transhipment by sea of any person or persons to be sold or dealt with as a slave, or who may import or bring to Calcutta any such persons for that purpose, or who may wilfully use or employ any ship for that purpose, or take to freight or hire any ship to be used or employed in removing or importing slaves, or who knowing the employment of such ship, may navigate, or enter, or embark on a ship so employed, such persons are declared felons, and subject to the penalties prescribed by the Act in question.

It is very possible that the Arabs, who are settled or established as merchants in Calcutta, and the commanders and navigators of Arab vessels accustomed to trade with this port, may not be fully acqnainted with the provisions of the statute referred to, or with the penalties attached to the removal and importation of slaves, the circulation of the substance of the Act, translated into the Persian and Arabic languages, so far at least as it is applicable to persons residing in any of the Company's settlements or territories, may be productive of future restraint, especially if accompanied by a proclamation in the same languages from government, declaring that the Act will be strictly enforced, and that means will be adopted for examining and searching vessels for the discovery of slaves, either exported from or imported into Calcutta.

The proclamation and translation of the substance of the Act should be communicated to all the principal Arab merchants in Calcutta, especially to those who are concerned in the ships which either belong to, or are navigated to or from this port, to all the commanders of Arab vessels now in the port, or which may hereafter arrive, and to the several political agents and other public officers at or near to the ports whence the Arab vessels usually sail.

The practice which has prevailed, even to the extent stated by the magistrates, cannot, the Governor General in council observes, have been unknown to the Arab merchants who are resident in Calcutta, and the traffic must have been carried on through their instrumentality. It is therefore possible that the magistrates may be enabled, by offering rewards and by extending the hope of liberation to those who have been recently imported as slaves, to fix the offence on some of the parties concerned in the trade, and the government may then be enabled to bring the parties to punishment.

The best mode of visiting and searching Arab ships at the time when they arrive, or are about to quit the river, if such a measure should be eventually deemed advisable, will be suggested by the Marine Board.

In the meantime the Governor General in council resolves, that a copy of the foregoing resolutions be communicated to the magistrates of Calcutta, with an intimation of the wish of government that they will prepare and submit, in the English language, a draft of the proposed proclamation, including such portion of the provisions of the 51st Geo. 3, c. 23, as it may be necessary to promulgate for the purposes above indicated.

(signed) *W. B. Bayley*, Chief Secretary to Government.

Note.—On the 27th November last, the chief secretary was directed to write the following letter to the magistrates of Calcutta:

To the Magistrates of Calcutta.

N° 30.

Gentlemen:—I am directed by the Right honourable the Governor General in council to acknowledge the receipt of a letter from you, dated the instant, with its enclosure, and in reply to transmit to you the accompanying copy of resolutions, this day passed by government in the judicial department, on the subject of the traffic in slaves.

2.—You are desired to prepare and submit to government the drafts indicated in the above resolutions. I am, &c.

(signed) *W. B. Bayley*, Chief Sec. to Government.

Council Chamber, 27th Nov. 1823.

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N° 31.

Magistrates of Calcutta to W. B. Bayley, Esq. Chief Secretary to Government.

Sir:—We have the honour to acknowledge the receipt of a letter from you, under date the 27th of November last, forwarding to us copy of an extract from the resolutions of the Right honourable the Governor General in council of the same date, on the subject of the traffic in slaves.

2.—With the permission of government, we propose to forward to all the Arab merchants, and other persons connected with Arab shipping resident in Calcutta, an extract from the statute 51st Geo. 3, c. 23, with a translation in the Persian and Arab languages, and we trust that this measure will be approved.

3.—We beg to annex copy of that part of the statute which we think it will be expedient to circulate to the merchants, together with copy of the letter which will accompany it.

Calcutta Police Office, 22d March, 1824. We have, &c.

(signed) *H. Shakespear*, Chief Magistrate.
W. C. Blaquiere, *J. Alsop*, *W. H. Hogg*, *P. Andrew*, *Charles Paton*, } Magistrates.

To

I am directed by the magistrates of Calcutta to send for your information and guidance, the extract from the 51st Geo. 3, c. 23, together with translations in the Persian and Arabic languages, and to inform you, that government have directed the magistrates to use the utmost vigilance in order to detect and bring to public justice any person or persons offending against the provisions of the statute.

The magistrates have received information that persons are occasionally brought to Calcutta, or removed therefrom in Arab ships, and sold as slaves; and they deem it right to apprize you, and all persons connected with Arab shipping, of the heavy penalties and punishment which will be incurred by a violation of the law.

Calcutta Police Office. I am, &c.

(signed) Clerk.

"Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any subject or subjects of His Majesty, or if any person or persons residing or being within this United Kingdom, or in any of the islands, colonies, dominions, forts, settlements, factories or territories, now or hereafter belonging thereto, or being in His Majesty's occupation or possession, or under the government of the United Company of merchants trading to the East Indies, shall, from and after the first day of June next, by him or themselves, or by his or their factors or agents, or otherwise however, carry away or remove, or aid or assist in the carrying away or removing, as a slave or slaves, or for the purpose of being sold, transferred, used or dealt with as a slave or slaves, any person or persons whatsoever, from any port of Africa or from any other country, territory or place whatsoever, either immediately or by transhipment at sea, or otherwise, directly or indirectly, or shall import or bring, or aid or assist in the importing or bringing, into any island, colony, country, territory or place whatsoever, any such person or persons as aforesaid, for the purposes aforesaid, or shall knowingly or wilfully ship, embark, receive, detain or confine on board any ship, vessel or boat, any such person or persons as aforesaid, for the purpose of his her or their being so carried away or removed, imported or brought as aforesaid, or of being sold, transferred, used or dealt with as a slave or slaves, or shall knowingly and wilfully use or employ, or permit to be used or employed, or left or take to freight or on hire, any ship or vessel to be used or employed in carrying away or removing, importing or bringing, or for the purpose of carrying away or removing, importing or bringing, as aforesaid, any such person or persons, as a slave or slaves, or for the purpose of his her or their being sold, transferred, used or dealt with as a slave or slaves, or shall fit out or cause to be fitted out, or shall take the charge or command of, or navigate or enter and embark on board any such ship or vessel, as master or captain, mate, supercargo or surgeon, knowing that such ship or vessel is actually employed, or is in the same voyage for which he or they shall so enter and embark on board, intended to be employed in carrying or removing, importing or bringing as aforesaid, any such person or persons as or for the purpose of his her or their being sold, transferred, used or dealt with as a slave or slaves; then and in every such case the person or persons so offending, and their councillors, aiders and abettors,

abettors, shall be and are hereby declared to be felons; and shall be transported beyond seas for a term not exceeding fourteen years, or shall be confined and kept to hard labour for a term not exceeding five years, nor less than three years, at the discretion of the court before whom such offender or offenders shall be tried and convicted."

(True Extract.) (signed) Clerk.

Ordered, That the chief secretary write the following letter to the magistrates of Calcutta.

N° 32.

Gentlemen,—I am directed to acknowledge the receipt of a letter from you, dated the 22d instant, with its enclosures, and in reply to acquaint you, that the Right honourable the Governor General in council approves the communication proposed to be made by you to the Arab merchants and other persons connected with Arab shipping, residing in Calcutta, in order to prevent the importation into, or exportation from this country, of any person or persons for the purpose of their being sold as slaves.

2.—It may be expedient to add to the letter, to be addressed to the above individuals, a paragraph, desiring them to take every opportunity of making known to their correspondents in the Red sea, Persian Gulph, &c. the purport of this communication.

I am, &c.

(signed) *W. B. Bayley*, Chief Secretary to Government.

Council Chamber, 25th March 1824.

PAPERS relative to the construction of the Bengal Regulation X. of 1811, with reference to Slaves imported from Assam into Bengal: 1825.

Criminal, L. P.

Extract, Bengal Judicial Consultations, 21st July 1825.

Commissioner of Rungpore, to W. B. Bayley, Esq. Secretary to the Government in the Judicial Department, Fort William.

N° 17.

Sir:—I request to be informed whether the provisions of Regulation X. of 1811, are still to be considered applicable to the importation of slaves from Assam into Bengal.

2.—A great number of the inhabitants of the former country being at present in a state of absolute starvation, they are happy to part with their children for a trifling sum, or even gratis, to any one who will undertake to provide for their mutual wants, and in this manner, the sepahees, merchants, native officers and others in Assam, have become possessed of a number of boys and girls, which they will hereafter endeavour to take away with them.

3.—The slaves in question, I have no doubt, are in nine cases out of ten, intended *bonâ fide* for domestic service, being chiefly boys of good caste, purchased by Hindoos for the purpose of supplying them with water, and performing other menial offices which they cannot receive from impure hands.

4.—Should the Right honourable the Governor General in council determine that Assam is still to be considered as a foreign territory, I have to request authority to disburse what may be necessary for the subsistence of the children that will in that case be detained at Gowalparah, until they can support themselves, their parents being in most cases unable to maintain them.

5.—I take the present opportunity of bringing to the notice of government the expediency of making provision for the importation into our territories of slaves by visitors or by emigrants coming to settle therein, a modification of the existing law, which I believe will be found in the code of every nation where internal slavery is permitted.

6.—As the law at present stands, almost every Asiatic foreigner of respectability entering our territories with his family by land, is subject, on his arrival, to fine and six months imprisonment, there being scarcely any such person who has not in his train one or more domestic slaves, and of them, (supposing on account of ignorance the penalty to be remitted) he is nevertheless liable to be deprived without compensation and without a possibility of guarding, by any degree of prudence, against an evil that could not have been contemplated, either with reference to the avowed existence of internal slavery in the British dominions, or to the universal practice of other Asiatic states.

I have, &c.

Commissioners Office, Zillah Rungpore, 3d July 1825.

(signed) *D. Scott*, Commissioner.

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N° 18.

Ordered, That the chief secretary write the following letter to D. Scott, Esq. *

To D. Scott, Esq. civil Commissioner in the North-east parts of Rungpore.

Sir:—I am directed by the Right honourable the Governor General in council to acknowledge the receipt of your letter of the 5th instant. The construction which has been given by the court of Nizamut Adawlut to the provisions of Regulation X. 1811, and which was communicated to the several courts of justice in a circular letter, dated 5th October 1814, seems sufficient to meet the difficulties adverted to in your letter, and to render it unnecessary that government should at present determine whether Assam is or is not to be considered as a foreign territory.

2.—A copy of the circular order in question is enclosed in this letter.

Council Chamber,
21st July 1815.

I am, &c.
(signed) *W. B. Bayley*, Chief Sec. to Gov^t.

PAPERS relative to the concealment of a Female Slave, named Keera, in the Military Cantonments at Keytah, in Bundlecund; and to the subsequent imprisonment of Deenha, the Mistress of the said Slave in the said Cantonments: 1815, 1816.

Extract Bengal Criminal Judicial Consultations, 19th January 1816.

W. P.

Extract from the Proceedings in the Military Department: 656.

N° 9.

Extract from the Proceedings of his Excellency the Right honourable the Governor General in council, in the Military Department, under date the 29th December 1815.—(N° 11. A.)

To C. W. Gardiner, Esq. Secretary to Government, Military Department.

Sir:—I am directed by the Right honourable the commander in chief to transmit to the military department the documents noted in the margin *, and connected with a complaint made by Deenah Tuwaif, inhabitant of Sagur.

Major General Marshall, commanding in the field, was directed to make an inquiry into the matter, and to call on all the parties whose evidence he might think necessary towards an elucidation.

Colonel Routledge, commanding in Bundlecund, was desired to forward every one connected with the transaction to the head quarters of the field at Cawnpore.

The result of the major general's inquiries is contained in the papers herewith transmitted, and which his Excellency requests may be transmitted to the judicial department for consideration, and with a view to ascertain whether or not there be grounds for criminal prosecution of Colonel Routledge and the other parties concerned.

I have, &c.

Adjutant General's Office,
Residency of Fort William,
3d November 1815.

(signed) *G. H. Fagan*, Adjutant General.

P. S.—A letter has just been received from Major General Marshall, which mentions the arrival of the complainant at Cawnpore, and that papers in continuation will be forwarded in a few days.

(signed) *G. H. Fagan.*

(Duplicate.)—Memorial of Duhan Tuwaif, Inhabitant of Sagur,—

Represents, That Muhees Baboo, and Coleechurn Baboo, shopkeepers in the cantonments of Keytah Boondeelkund, having inveigled away and concealed one of her female slaves named Keera, she applied to them to have the slave returned, when they denied having any knowledge of her.

That prosecuting her inquiries, she learnt from a person named Huree Baboo, employed in the Godown, that the beforementioned Baboo had secretly removed the girl to the village of Rouree (dependent on Pulwaree Boondeelkund), and placed her in the house of Sikhjee, zemindar of the said village.

That going to this village, she herself there saw her slave, and demanded her of the zemindar.

That

* Memorial of Duhan Tuwaif, inhabitant of Sagur. Copy of a letter from Major General Marshall to the Adjutant General, dated Cawnpore, 21st October 1815. Copy of "List of Documents," English and Persian, the former from N° 1 to 10, the latter from A. to K. inclusive. A memorandum of the Commander in Chief's, on the papers transmitted by Major General Marshall.

That the zemindar, instead of giving her up, set out immediately to Keytah, to give intelligence thereof to the beforementioned Baboos; when the latter, with a servant named Kehinan, set out from Keytah, and travelled with all expedition to Rouree, whence they removed the girl to some other place.

That she was no sooner aware of this act of theirs, than she carried her complaint to Colonel Relter (supposed Routledge), commanding officer of Keytah, who called the several parties before him. The zemindar, on being questioned by the colonel on the subject of the girl, informed him, that the beforementioned Baboos brought her to his house, and also carried her away from thence; which the Baboos, who were present, did not deny, but presenting a nuzeerana of 200 rupees to the colonel, represented, that unless Huree Baboo were intimidated, and the complainant punished, the matter could not be got over.

That the colonel, in consideration of the nuzeerana of 200 rupees, confined Huree Baboo (an innocent man), for the space of one month, and then released him, and also confined the complainant, on the pretext that the girl in question did not belong to her, although she offered to produce the bill of sale of the girl.

That she received no provision for fifteen days of the time of her confinement, except half a seer of sultoo daily, from the kindness of a sepoy.

That after being nearly starved, Mahomed Allee, the colonel's moonshee, (alias Mootusuddee, of the battalion bazaar), came to the memorialist, and said, that if she wished to obtain her release, she must make a nuzur of a diamond belonging to her to the colonel, or she could not obtain it. To effect this purpose, she gave up her diamond to the moonshee, who immediately made out a deed of her consent thereto, and presented it to her, along with a rupee, which she was obliged to receive for fear of further confinement, and was then set at liberty.

Although it may be difficult to establish the fact of the bribe of 200 rupees, her confinement and that of Huree Baboo, are undeniable, as well as her claim to the girl.

The Memorialist therefore prays for justice.

(signed) *H. Hathwaite*, Persian Interpreter,

(True copy.) (signed) *G. H. Fagan*, Adjutant General.

(Copy.)—To Colonel G. H. Fagan, Adjutant General.

Sir:—In obedience to the orders contained in your letter of the 25th of August last, I used my best endeavours to obtain every information on the subject of the petition presented against Colonel Routledge by a woman named Deenha Tuwaif.

2.—The accompanying English and Persian documents of which I have the honour to send a schedule, will shew the result of my inquiries.

3.—While waiting the expected arrival of the complainant, I requested Lieut. Hardy, interpreter and quarter master to the 2d battalion 28th regiment, to translate the Persian statements, which he has done in a very liberal and clear manner, and I beg leave to add my testimony to the ability and merits of that officer.

4.—Colonel Routledge was unable to send me the complainant, but with his letter (N° 1.), he sent me two Bengalees, Collychurn and Myers Ghose, the former having had much to do in the transaction. They brought me a green glass bead, said to be what was purchased of the complainant, and the Persian papers, marked I. and K., the former an acknowledgement of the complainant having sold the bead of her own free will and consent, and the latter, an avowal of the complainant to give up all right to her slave girl.

5.—The former being witnessed by respectable men, I called for their appearance at Cawnpore, and took their statements of the affair, and from these it is evident that the glass bead sent me is not what Deenha Tuwaif sold for one rupee, but in what stage it has been changed does not appear. Collychurn is the only man that says it is the same, but the falsity of his statement is shewn in Colonel Routledge's letter (N° 10.), where the colonel acknowledges having received the bead from his hand.

6.—The statement, or deposition (N° 5.), of Doorgapersaud, I give no weight to, because he mentions several that were present when he saw the bead, two of them I had before me, but they declare they never saw the bead.

7.—The irregularity of confining Hurree Baboo one month and eleven days in Colonel Routledge's personal guard, then releasing him and confining the complainant in the same guard, was of itself sufficient to induce belief of any thing unfavourable she might assert.

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8.—From the great lapse of time since I sent for the complainant, and my having received no tidings whatever of her, I have thought it best to delay no longer in transmitting the information obtained; but as she may yet arrive, kept the bead to shew her, and will, in the event of her coming, have the honour to send you her deposition, with those of her witnesses, in continuation of my inquiries.

I have, &c.

Cawnpore, 21st Oct. 1815. (signed) *D. Marshall*, Major General, Commanding Field Army.

P. S.—To save remark on Colonel Routledge's having a native commissioned officer's guard, it is proper to explain, that he was written to long back on the subject, and reduced his guard according to the regulations.

(signed) *D. Marshall*, Major General.

(True copy.) (signed) *G. H. Fagan*, Adjutant General.

(Copy.)—English Documents.

N° 1.—Letter from Lieutenant Colonel Routledge to Major General Marshall, dated 12th September 1815.

N° 2.—Translation of the Deposition of Kisseur Singh, soobadar 1st battalion 23d native infantry.

N° 3.—Translation of the Deposition of Shunkur Singh, havildar 1st battalion 23d Native Infantry.

N° 4.—Translation of the Deposition of Deenah Singh, sepahee 1st battalion 11th Regiment Native Infantry.

N° 5.—Translation of the Deposition of Doorgapersaud, late ketwal of the Sudder Bazar of Keilah.

N° 6.—Translation of the Deposition of Mohummud Allee, Col. Routledge's moonshee.

N° 7.—Translation of the Deposition of Kaleechurn Bungalow Baboo.

N° 8.—Translation of the Deposition of Huree Bungalow Baboo.

N° 9.—Translation of the Deposition of Maheish Bungalow Baboo.

N° 10.—Letter from Colonel Routledge to Major General Marshall, dated 13th October 1815.

(signed) *A. Hardy*, Lieutenant, Interpreter, 2d Battalion 28th Native Infantry.

(True copy). (signed) *G. H. Fagan*, Adjutant General.

Persian Document.

A.—Deposition of Kisseur Singh, soobadar, of the 3d Grenadier Battalion 23d Native Infantry.

B.—Deposition of Shunkur Singh, havildar.

C.—Deposition of Deenah Singh, sepahee.

D.—Deposition of Doorgapersaud, late cutwal of the Sudder Bazar Bundlecund.

E.—Deposition of Moonshee Mohummud Allee, Col. Routledge's moonshee.

F.—Deposition of Kaleechurn Baboo.

G.—Deposition of Hurree Baboo.

H.—Deposition of Maheish Baboo.

I.—Razeenamah of Deenha, for sale of the stone.

K.—Discharge of Deenha from all claims on account of the woman named Heera.

(signed) *A. Hardy*, Lieutenant, Interpreter, 2d Battalion 28th Native Infantry.

(True copy) (signed) *G. H. Fagan*, Adjutant General.

N° 1.—To Major General Marshall, Commanding, &c. &c. &c. Cawnpore.

Sir:—In compliance with the contents of a letter which I lately received from the adjutant general by direction of his Excellency the commander-in-chief, in consequence of a petition (on complaint) preferred to his Lordship on the part of a woman said to have been confined by me in consequence of a transaction connected with a female formerly under her protection, I herewith send the natives concerned against whom the said woman had preferred a complaint to me, whose names are Collychurn and Myass Ghose, camp followers and shopkeepers residing in the station bazar of Kytah.

The

The adjutant general tells me to desire the complainant to present to you a duplicate of the petition to head quarters, but I know not where the woman is, nor can I obtain any tidings of her, although I have been making inquiries since my receipt of the adjutant general's letter.

Possibly she may be at Cawnpore, and that you may have heard something of her.

I have not seen her petition to the commander-in-chief, but I am sure she has not any just cause for complaint in the matter she presented to me about four or five months ago, although she gave me a great deal of trouble.

She in the first instance complained that Myass Ghose, one of the shopkeepers I mentioned, had detained a woman slave of hers, and prayed, that he might be compelled to deliver her up. I made inquiry into the matter, and even confined the shopkeeper until he should produce the woman slave, but as the woman complainant declared that she had written documents to prove that she had purchased the woman she claimed as a slave, I desired her either to bring herself or send for them; but after various pretences and promises to do so, she failed in producing any such proof, and as our laws do not at any rate tolerate slavery, I would not do any thing more in the business, and accordingly sent the parties away.

I am confident, that if on investigation it should clearly appear that this woman has asserted an unfounded and false complaint, you will cause her to be punished in proportion to her offence. I have, &c.

(signed) *F. Routledge*, commanding in Bundlecund.

Keitah, 12th September 1816.

Deposition of Kisseur Singh, subadar of Colonel Munro's battalion 23d Native Infantry.

N° 2.—At the station of Keitah, my duty was at the gate of Colonel Routledge, and I accordingly, with a guard of Sepahees, arrived at the gate of the aforementioned gentleman, and previously coming on the duty, a black complexioned woman was in confinement in the guard.

At the expiration of four days on this duty, I perceived that the woman aforesaid kept weeping and lamenting day and night from hunger; that she did not receive any thing for subsistence from the commanding officer, nor had she any thing in her own possession; pitying her case, I gave her to eat four cakes from my own victuals, and in the morning represented to the colonel aforesaid; "This woman is poor and helpless, and you are master and lord of the district, no advantage results from keeping her in confinement, and it would be better to release her; further she has not any thing to eat, and is dying with hunger, and when she goes to comply with the calls of nature, a surety accompanies her, which is contrary to the usage of Hindostan." The colonel then said, upon ascertaining the matter, "I will order her release." After conversation to this effect, I returned to my guard; in the afternoon of the same day, the person named Kaleechurn, a Bengalee, Baboo and Moonshee Mohummud Allee came to me at the guard, and the Bungalow aforesaid said to me, "you made a report to the colonel for the release of this woman;" I replied, "it is my custom when any person is in the guard, to report the good and bad concerning them." The Bengalee then said to me, "You reported that this woman had not any thing in her possession, and was dying with hunger; she has a stone of the emerald species of great value." Upon this I called the woman to me, and asked, "Have you any thing belonging to you?" She replied, "I have not any thing." The Bengalee then signified to the woman, "that stone which you showed to some Bungalee Baboo (whose name I the deponent forget), where is that stone?" On hearing these words from the Bengalee, the woman acknowledged that she had it. I then said to the woman, "where is it?" She replied, "it is deposited in my house." I accordingly sent a sepahee with the woman, who, having gone to the house, brought to the guard a bundle of clothes tied up, which being opened, she produced from amongst them an Green Stone* emerald, in shape diminishing towards the top (like a sorahee), the weight I guess might be six or seven mashas†, and put it into my hand. I examined it well with my own eyes; it was a stone of a green colour, brilliant, and when placed on cloth, from its lustre, a green colour was visible on the cloth; having thus looked at it, I returned it into the woman's hands; the Bengalee aforesaid then said to the woman, "sell this," the woman replied, "I will not sell it;" after this conversation,

* Thus written above in the original.

† 1 Masha 8 rupees 1 rutee, 8 grains rice.

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the Bengalee and Moonshee aforesaid went to their own house, and the woman remained as usual confined in the guard. The next morning, the Moonshee and Bengalee again came to the guard and sat down, then the woman, from what apprehension I know not, said to me, " I now will sell that stone;" I said to the Moonshee and Bengalee, " This woman will now sell the stone if agreeable to you, take it accordingly;" the Moonshee said, " I will give one rupee;" the woman replied, give whatever you please;" thus the Moonshee gave to the woman one sirenuggur rupee and took the stone, and on the spot having written with his own hand a razeenamah,* said to me, do you also sign as witness to this paper. I said to the woman, " Are you satisfied;" the woman answered, " What can I do, I am satisfied." I then wrote my testimony to the paper. Then the Moonshee and Baboo aforesaid went into the bungalow to the colonel, and having come out again, the Moonshee said to me, " Let this woman go." The woman being released, accordingly departed.

* Acquittance.

After this, I went to the presence of the colonel and reported, "That woman has been released from the guard, and your Moonshee has taken at the price of a sireenugur rupee an emerald stone which was in her possession." The colonel replied, " it is not of any consequence, let it pass." And in the present instance, when the colonel in consequence of a summons from the presence†, dispatched me to this place, at the very time of sending me off, I proposed to the colonel, " give me that emerald that I may take it with me, to the end that should the aforesaid woman not be satisfied, she may receive back the emerald and return the rupee." The colonel replied, " I have already sent off the emerald."

† Gen[l] Marshall.

And now I am in attendance at the presence, and the green coloured stone which I have here looked at, is not that emerald stone which the Moonshee and Bengalee aforesaid took from the woman aforesaid. As to the future, my masters are the controllers. That which I knew, I have most truly stated. No more.

The mark × and signature of *Kisseree Singh*, Subadar above-named.

(True translation.)

(signed) *A. Hardy*, Lieut. Interpreter 2d Battalion 28th N. I.

Deposition of Shunker Singh, havildar Colonel Munro's battalion, or 1st battalion 23d regiment.

N° 3.—At the station of Keetah, my duty, together with Kissore Singh, subadar, was at the gate of Colonel Routledge; accordingly I, with the guard of sepoys, arrived at the gate of the aforesaid gentleman, and previously to my coming on the duty, a black complexioned woman, whose name I do not know, was in confinement in the guard. At the expiration of four days, the woman appeared weeping and lamenting night and day from hunger. She did not receive any thing for subsistence from the commanding officer, nor had she any thing in her possession, accordingly the above-named subadar taking pity, gave the woman four cakes to eat, from his own victuals, and in the morning reported it to the colonel, whose answer I do not know. In the afternoon of the same day, the persons named Kalee Churn, a Bengalee, Baboo and Moonshee Mohummud Allee, came to the guard to the subadar, and the Bengalee aforesaid said to the subabar, why did you make a report to the colonel for the release of this woman? The subadar replied, " it is my custom, when any person is in the guard, to report the good and bad concerning them, the Bengalee said to the subadar, you reported that this woman had not any thing in her possession, and was dying with hunger. She has a stone of the emerald species, of *great value*." The subadar then asked the woman, " Have you any thing in your possession," the woman replied, " I have not any thing." The Bengalee then signified to the woman, " that stone which you have shewn to some Bengalee, Baboo (whose name I the deponent forget) where is that stone?" on hearing these words, the woman acknowledged that she had it; the subadar accordingly sent a sepoy, in company with the woman, who went to her own house, and brought to the guard a bundle of clothes tied up, which being opened, she produced from amongst them a green stone, species of emerald, in shape diminishing towards the top, (like a soorahee) the weight of which I guess might be six or seven mashas, and put it into the subadar's hand, and the subadar having looked at it, returned it into the woman's hands. Then I also having taken the said emerald from the woman's hand, and inspected it with my own eyes, returned it again to her. The aforesaid Bengalee then said to the woman, " sell this," the woman then replied, " I will not sell it." This conversation having taken place, the Moonshee and Bengalee aforesaid,

said, went to their own house, and the woman remained as usual, confined in the guard. The next morning, the Moonshee and Bengalee came to the guard and sat down. Then the woman, from what appearance I know not, said to the subadar, " I now will sell that stone." The subadar accordingly said to the Bengalee and Moonshee, " This woman will now sell that stone, if agreeable to you to take it." The Moonshee said, " I will give one rupee." The woman replied, " I will not say " any thing, give what you like;" thus the Moonshee, in my presence, gave to the woman one sireenugur rupee, and took the above mentioned emerald stone, and having written on the spot with his own hand a razeenamah, said to me, " Do you also be a witness to this paper." I said to the woman, " Are you satisfied?" the woman replied, what can I do, " I am satisfied;" so I gave the paper to the Moonshee, telling him to write my attestation, and he wrote it accordingly. Then the Moonshee and Bengalee aforesaid, went into the above-named colonel's bungalow, and having come out again, the Moonshee said to the subadar, " Let this woman go." The subadar accordingly gave me an order, put this woman outside the bungalow compound; I put her out, and came back; after this, the subadar went to the colonel, and having reported the release of the woman, returned.

And now I am in attendance at the presence, and have looked at the green coloured stone; this in possession of the general, it is not that emerald stone which the Moonshee and Bengalee aforesaid took from the woman aforesaid. As to the future, my masters are the controllers. That which I know, I have most truly stated. No more.

The mark × and signature of *Shunkur Singh*, havildar above-mentioned.

(True translation.)
(signed) *A. Hardy*, Lieut. Interpreter 2d Battalion 28th N. I.

Deposition of Deenah Sing, sepoy of the Dow Battalion, or 1st Battalion 11th Regiment.*

N° 4.—At the station of Keitah, I was on duty with Subadar Kisseree Sing, at the gate of Colonel Routledge, and remained present with the above guard; and previously to my coming on duty, a black complexioned woman, whose name I do not know, was in confinement in the guard; of other circumstances I have not any knowledge, but one day I was on duty as kote sentry, and when relieved I came back, and was taking off my accoutrements on my bed; during this, the above-mentioned subadar called out to me and said, " Two men of our battalion are witnesses to a razeenamah, you belong to a dow battalion, do you also give your attestation, that they may not be three men of the same battalion;" accordingly I came, and stood near the subadar, and asked the aforesaid, " Do you, with your own consent, sell this stone? May I give my attestation to the razeenamah." The woman replied, " What can I do, I am content, give your attestation." I accordingly had it written on the razeenamah paper. Then taking from the subadar's hand into my own, the emerald stone which Moonshee Mohummud Allee took from the woman aforesaid, I examined it well with my own eyes, and the said stone was soorahee shaped, weighed as I guess six or seven mashas, and was very luminous and brilliant, and when placed on cloth, a green colour from its lustre was visible on the cloth.

And now I am in attendance at the presence, and this stone of a green colour, which I have looked at, is not the emerald stone which the said Moonshee Mohummud Alee took from the aforesaid woman.

As to the future my masters are the controllers. That which I know I have most truly stated. No more.

Mark of signature of *Deenah Singh*, Sepoy abovementioned.

(True translation.)
(signed) *A. Hardy*, Lieut. Quar. Master, 2d Batt. 28th Reg. and Interpreter.

Deposition of the man named Doorgapersaud, late Kotwal of the Sudder Bazar of the Cantonment of Keitah.

N° 5.—I have not any knowledge of the circumstances attending the confinement of the woman whose name I do not know, nor for what fault she was put into confinement; but to this extent I know, a nach woman was in confinement in Colonel Routledge's gate guard. One day, I, together with Ramkishun, hunkurrah, Gunneish, jemadar of the hurkurrahs in Colonel Routledge's service, Soobhan Maholdar Kaleechurn, Bengalee Baboo Gunga, and others, was sitting on a charpace at the house of the above jemadar; during this, Moonshee Mohummud Allee, a moonshee in the service of Colonel Routledge, came there, having hold in his hand of a kind

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of stone of a green colour, soorahee shaped, and a razeenamah paper, which paper he read to the aforesaid Bengalee; and afterwards taking hold of the white thread which was run through the above stone, and shewing it to us all, he said, "Folks say that this stone is worth a thousand rupees, and some say that it is worth five hundred rupees; look at it. This said stone, whose value may be four annas, I have taken for a rupee." Then I, seeing the bulk and brilliancy of the stone, said to the moonshee, "If you speak of the value of this stone as four annas, I will give you a hundred rupees as its price." The moonshee replied, "You are a child; what do you know?" Afterwards to this effect, the moonshee tied up the above stone in a corner of his turban, and on account of rain falling, sat down there. After a space of about three hours, when the rain had ceased, Kaleechurn Baboo, and the aforesaid moonshee, went into the bungalow of the above-named Colonel Routledge, but I do not know what words passed; and a moment afterwards I went into the bungalow, and the colonel gave me my dismissal or discharge chit, and accordingly being dismissed, I came from the cantonment of Keetah to Cawnpore. And now I have examined the green stone, this which is at the presence, it is not that green stone which Moonshee Mohummud Allee showed at the house of Guneish in the cantonment of Keitah. As to the future my masters are the controllers; the circumstances which I had knowledge of I have most truly stated. No more.

Signature of *Doorgapersaud.*

(True translation.)
(signed) *A. Hardy*, Lieut. Intr. 2d Battalion 28th Native Infantry.

Deposition of Moonshee Mohummud Ulee, in the service of Colonel Routledge.

N° 6.—In the month of April 1815, A. D. at Pinwaree, the person named Deenha Nachwoman, attended at the presence of Colonel Routledge, and through the means of Meer Ruhm Ulee Chunduree, made a complaint. "Moheish Baboo, Bengalee, has by force secreted in some place a woman of mine, and keeps her there. My master is lord of the district; I am hopeful that, by the orders of my master, the aforesaid woman may be restored by the above Baboo." In consequence, the colonel sent a havildar and a hurcurrah, in company with a man of Deenha aforesaid, saying, "Go to the cantonment of Keitah, and bring Maheish Baboo in custody." Accordingly the havildar and hurkurrah aforesaid, went to the cantonment of Keitah; and having returned in the evening, represented to the colonel that the above Baboo had gone to some village for the purpose of cutting wood, and therefore they had not found him. The colonel said, "Well, he shall be sought for." Next morning some person gave information to the woman aforesaid, "Your woman is in the village of Roree, dependent on Pinwaree, and distant three coss from hence, at the house of Sookh Singh, zemindar." Accordingly the woman hearing these words, went at that very time to the said village, and asked the above-named zemindar, "If a person named Heera, my woman, was in your house; where is she?" The zemindar replied, "She was; but two or three days since Moheish Bengalee Baboo took her from hence to some other place." The woman came again to the colonel, and stated, "My woman was at the village of Roree at the house of the zemindar of the place, and two or three days back, Moheish aforesaid, has taken her from thence also to some other place." In consequence of this, the colonel sent a havildar to bring the zemindar of the aforesaid village, and the hurkurrah went to the village, and brought the zemindar in custody; and on being questioned, the zemindar deposed, "Its true, Moheish Baboo came and settled the woman named Heera in my house, and the said Baboo and Heera Baboo both used to come and remain with the above woman; but one day there was a quarrel between Heera Baboo and the woman, and in consequence of this, after Moheish Baboo had himself remained three or four days at the village, he sent the above woman in company with a man named Kushenan, his own servant, to some other place." Having made a representation to the above effect, the aforesaid zemindar returned to his own village. Two days afterwards, Moheish Baboo came unsent for, and of his own accord went into the colonel's tent, and the colonel was very angry, and said, "You have secreted the woman of Deenha Nachwoman, who states that with her woman aforesaid are ornaments, her property, to the amount of five hundred rupees; it is absolutely necessary for you to point out where she is." The Baboo replied to the following purport: "The above woman

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woman has run away." The colonel said, "This is not of any signification; the necessity of pointing her out falls upon you." After this the Baboo took his leave, and came out. Two days after, the colonel taking me with him for the purpose of providing bricks and wood for building a new bungalow, arrived in the cantonments of Keitah; that day, about twelve o'clock, Kaleechurn Bengalee Baboo came to the colonel's presence, and having spoken with him in the English language for about an hour, came out, and at the time of coming out, spoke to the following effect to me and others who were standing outside of the bungalow: "I have become security for Moheish Baboo." Afterwards the colonel mounted, and arrived at the camp of Pinwaree, and Deenah Nachwoman always attended every two or three days, and kept petitioning that her woman might be restored; and the colonel told her that she should be restored to her. Shortly after, the victorious army marched from Pinwaree, and returned to the cantonment of Keitah; and the the aforesaid Nachwoman was as usual in attendance. One day, Kaleechurn Baboo represented to the colonel, "Moheish Baboo alone did not take away the woman of Deenha; the man called Hurree Bengalee Baboo is also a confederate in this business." The colonel said, "How do you know?" "The zemindar of the abovenamed village, in whose house they went and staid, is a witness that both staid in the same house with the aforesaid woman. If this should not be proved, I will produce confirmation." Then the colonel sent for me, and said, Kaleechurn Baboo speaks as above, do you also understand it; and I hear that Huree Baboo is at Rath in the saltpetre factory; send for him, and let it be ascertained." Accordingly I, in obedience to the orders of the colonel, sent two hurkurrahs, who having fetched Huree Baboo from Rath, brought him with them to the colonel's presence, and the colonel showed great anger towards Huree Baboo, and said, "You and Moheish Baboo jointly confederate, have taken away the woman of Deenha Nachwoman; and Deenha states, that she has with her ornaments to the amount of five hundred rupees; it falls upon you to give information of her; if not, I will flog you." Huree Baboo answered, "I was at the village of Bundah for the purpose of grazing camels, and at the request of Moheish Baboo, I merely pointed out a place to remain at in the house of the zemindar of the village of Roree; I have no other concern with the aforesaid woman. Accordingly the colonel ordered me,—'Do you write, and take from Huree Baboo an agreement to this effect, that if any fault regarding the above woman should hereafter be proved against him, he would be against the commanding officer.' In consequence of this, I took Huree Baboo to Shekh Agheon, subadar of the guard at the colonel's gate, and in presence of him, wrote and took an engagement to the purport written above." After writing the engagement, the colonel said to Huree Baboo, "Give security." The Baboo replied, "No one will give security." Upon this the colonel put Huree Baboo into confinement in the guard at his own gate, and gave me an order, "Send for the zemindar of the village of Roree, and ascertain the matter." Accordingly I again sent a hurkurrah to bring the zemindar of the aforesaid village; and the said zemindar, in presence of Huree Baboo, clearly stated, "The woman named Heera was in my house, and both Huree Baboo and Moheish Baboo used to come there, and remain together at the same house, and one day there was a quarrel between Huree Baboo and the aforesaid woman; accordingly Moheish Baboo took away the woman from thence, and settled her in another place." On hearing this, Huree Baboo being confuted, remained silent, and continued as before in confinement. One day Kaleechurn Baboo represented to the colonel, "Moheish Baboo states, that the woman named Heera affirms, I am not a daughter of Deenha Nachwoman, neither am I her purchased slave. I remain in her house merely of my own accord and pleasure, and Deenha Nachwoman has wrongfully complained against us, who are respectable people, and destroyed our character." The colonel accordingly sent for Deenha, and asked her, "Under what circumstances is that woman with you?" Deenha replied, "She is my purchased slave." The colonel said, "Have you her certificate of sale?" The woman replied, "I have, but it is left at Sagur; in the space of ten days I will send for and give it." The colonel said, "If the bill of sale should be in your possession after my examining it, the aforesaid Bengalees shall be punished, and your woman given up to you." When ten days had passed, and the bill of sale had not arrived, Kaleechurn Baboo again represented to the colonel. Moheish Baboo and Huree Baboo aforesaid stated, that they have made particular inquiry of the woman named Heera, who says, "I am not a purchased slave of Deenha Nachwoman, and no certificate of my purchase is in possession

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of the said Deenha, and she has made a false complaint, let our master do justice in this affair, otherwise I will prefer a complaint of this against my master." Accordingly the colonel released Huree Baboo from confinement, and sending for Deenha Nachwoman, said to her, " you have not delivered the bill of sale according to your promise, and have made a false complaint, therefore remain in the guard until the arrival of the said paper; and on the day when you send for and deliver the paper, on that very day your woman in person shall be restored to you, and punishment inflicted on the Bengalees." The woman was accordingly confined in the colonel's gate guard; when Kisseree Singh Subadar of the Munro battalion was on duty at the colonel's gate, the subadar seeing the hunger and affliction of the above woman, took pity and reported to the colonel: " The woman who is confined in the guard is an old woman, and moreover for two days has been starving; I think that she will die, it is better that her case, whatever it may be, should be inquired into, and her released ordered." The colonel replied, " Very well, on ascertaining the matter, at that very time I will send to inform you." Then the colonel called to him at first, Baboo Kaleechurn alone; I do not know what he said, nor what the Baboo represented in reply. When the said Baboo came out, I went into the bungalow, the colonel ordered, " Do you go to the Nachwoman aforesaid, and say to her, you engaged that in ten days you would produce the bill of sale, to this time it is not come, if it be existing bring it, that your woman may be given back, if not, write and give a razeenamah that between me and woman aforesaid there is no concern." Thus I and the aforesaid Baboo went separately to the guard; the said Baboo said to the subadar in an angry manner, " Why did you report to the colonel that this woman is dying with hunger, what information have you, and what does my master know that she is possessed nothing and is dying with hunger; she is possessed of great wealth." After discourse to the above effect, I and the above Baboo went to our own houses. The next morning, Kaleechurn Baboo came to me, and practising deceit and imposture, showed me a sireenugur rupee and said, " in possession of Deenha aforesaid is a stone of the emerald species, do you go along with me to the guard, to the said woman, and in your own name having taken the above emerald at the price of this rupee, give it to me." As at that time the access of the above Bengalee to the colonel's presence was very great, I reflected in my own mind, that should I not consent to the proposal of the Baboo, he may most probably, by making some representation to the colonel, procure my discharge from my employment, I therefore consented to the Baboo's proposal, and going in his company to the guard, first asked the woman aforesaid, " Will you produce the bill of sale of the woman called Heera, or will you give her acquittance?" The woman answered to this effect, " the paper is not in my possession, of my own will I will write and give the acquittance paper." Accordingly in presence of Kisseree Singh, subadar, I wrote the acquittance paper which is at the presence, and took the attestation of Sunkur Singh, havildar, Dinah Sing, sepahee, Guneish, jemadar, and other hurkurrahs in the service of Colonel Routledge; and half an hour afterwards, I said to Deenha aforesaid, " Have you any stone? If you will sell it, give it me." The woman said, " What kind of stone is it?" During this, the aforesaid Baboo, who was sitting at the distance of ten paces, called out, and signified " that stone which you that day showed to some Bengalee;" on hearing this, the woman said, " I have it," and accordingly produced a stone of a green colour, emerald species, soorahee shaped, from the brightness of which, the white thread which was inserted through the hole of it was clearly visible, of great lustre, and weighing, I should guess, more than four mashas, and she put it into the hand of the subadar. I said, " if you will sell it, take a rupee as the price of this stone;" the woman, in the manner of a person afflicted said, " I will give it;" I said, " If you will give it, give it willingly, take the rupee, and write a razeenamah." The woman said " well, I sell it with my own consent, write and take a razeenamah;" accordingly at that very time, I took a soreenugur rupee from Baboo Kaleechurn aforesaid, and put it into the woman's hand, and the abovenamed subadar gave the aforesaid emerald stone into my hand, and the havildar, and other sepahees took it from my hand and examined it. After this, I wrote the razeenamah in presence of the aforesaid subadar, and had it witnessed by Seadeen Singh, havildar, Shunkur Singh, havildar, Deenah Singh, sepahee, and Guneish, jemadar of the hurkurrahs in Colonel Routledge's service. After this, I gave the above emerald stone and the razeenamah into the hands of Kaleechurn Baboo, and the said Baboo, on that very spot, wrapped the above stone in his d'hoter, and took it away; then I, together

with

with the Baboo aforesaid, went to the bungalow into the presence of the colonel; the above Baboo (concealing, I know not in what place, the above emerald and razeenamah,) showed the colonel merely that acquittance paper which Deenha Nach-woman had written, and given on the subject of having no claims on the woman called Heera; and the colonel having sent for Deenha aforesaid into the bungalow, said, " Have you of your own free will written and given an acquittance paper respecting your woman?" The woman replied, " I have written and given it of my own free will." The colonel said, " If you have written it of your own free will, write your signature;" accordingly the woman made her mark with her own hand upon the acquittance paper; after this, the woman being released, went to her own house, and I came to my own residence. I do not know whether the Baboo aforesaid gave above emerald to the colonel, or whether he kept it himself; on this subject I have not any knowledge; and at the time when Kaleechurn Baboo in obedience to the colonel's orders departed from the cantonment, I have not any knowledge whether the colonel delivered from himself the above emerald stone to the aforesaid Baboo, or whether the Baboo himself produced it. Now that I am in attendance at the presence, it is not that emerald stone, which I, sitting in the colonel's guard gate in the cantonments, took from the woman aforesaid called Deenha, and delivered to the aforesaid Bengalee; because, although the form is the same, yet the green polish (or water) of which possessing a brilliancy, and the water of this is black; and the thread through that was in consequence of its transparency already visible, and in this there is not that transparency in bulk, also it was something larger than this stone that which I knew, I have most truly stated; as to the future, my masters are the controllers. No more.

In repetition.—Having taken the emerald stone above from Deenha aforesaid, at that very time I delivered it to Kaleechurn Bengalee Baboo, in presence of Kisseree Singh, subadar, Shunkur Sing, havildar, Deena Singh, sepahee, and others.

Signature of *Mohummed Ulee*, moonshee, in the service of Colonel Routledge.

(True translation.)

(signed) *A. Hardy*, Lieutenant, Interpreter, 2d Battalion, 28th N. I.

Deposition of Kaleechurn Bengalee Baboo, merchant, in the Cantonment of Keitah.

N° 7.—In the month of April 1815 A. D. a sepahee and an hurkurrah, sent by Colonel Routledge, together with Deenha Nachwoman, came from Pinwaree to my shop in the cantonment of Keitah, and said, " Where are Moheish Baboo Kuhman, your servant, and the woman whom the said Baboo keeps in his house; let them go along with us, as the colonel has sent for them." I replied, " Moheish Baboo is gone to the village of Bandah for the purpose of cutting wood; the man Kuhman is present, take him; and the aforesaid woman is not in my house, search for and take her." Accordingly the sepahee and chuprassee aforesaid took the man Kuhman in confinement towards Pinwaree to the colonel. The colonel asked the said Kuhman, " Were you in company with Moheish Baboo when he brought the woman of Deenha from the village to the camp at Pinwaree?" He answered, " Yes, I was; but on arriving near the camp, the Baboo and woman sat down under a tree, and sent me towards Keitah; further, I have no knowledge where the woman went, or where Moheish Baboo is." On this account, the colonel caused the aforesaid man to be confined. Next morning I went to the village, where Moheish Baboo was collecting wood, and said, " The person called Deenha Nachwoman has made a complaint against you to the colonel respecting her woman, in consequence of which the colonel sent for you; it is requisite that you should go to his presence, and state your reply." Upon this, Moheish Baboo answered, " I have been to the village of Bandah for the purpose of cutting wood for finishing your business." Then the above gentleman said, " A Nachwoman has preferred a complaint against you concerning her woman; well, go now to cut the wood, and take with you your man who is in confinement; it shall be ascertained hereafter." At the expiration of three or four days, the colonel aforesaid came from Pinwaree to the cantonment of Keitah, and put Moheish Baboo into confinement, saying, " Produce the woman." The aforesaid Baboo then sent a letter to me, who was cutting grass at a village three coss distant from cantonments, stating, " the colonel has confined me." Accordingly I arrived, and having become security for Moheish Baboo, was released from confinement; after this, the colonel frequently said to

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me in the way of reproof, " produce the above woman," and I continued to reply in this way, " the woman is not with us; she went with Rajoo Baboo, Huree Baboo, and divers other Bengalees." On hearing the purport of this, he caused search to be made for Rajoo Baboo and the others, and did not find them; but the man called Huree Baboo, who was at that time present at the saltpetre factory at Rath, he sent one of his own hurkurrahs to fetch and put him into confinement. In the afternoon, when I went to the bungalow of the aforesaid colonel, I asked the sentry " What had become of a Bengallee, who arrived in confinement from Rath." The sentry replied, " The colonel demanded security from him, which security he did not give, and therefore is confinement." Having remained in confinement about a month and a half, he obtained his release. One day I represented to the colonel at the time when the above man was with Moheish Baboo, she said, " I am not a purchased slave of Deenha Nachwoman, and remain in her house from my own will and pleasure." On hearing this, the colonel asked Deenha aforesaid, " Is the woman named Keera your daughter, or is she purchased?" She replied, " She is my purchased slave, and her bill of sale is in existence at Sagur." The colonel accordingly directed, " send and get the paper, in order that after examining it, I may do justice in the manner which is customary." The woman aforesaid promised in the space of twenty days " I will send for and give it." When an interval of one month and eight days had elapsed, and the aforesaid woman had not produced the above bill of sale, I presented to the colonel, " the women aforesaid agreed to produce the bill of sale in twenty days, and even to this time, when a month and eight days have elapsed, she has not produced it; the above woman has produced a false complaint against us; let our master do justice in this affair, if not, I will go to the presence of the general at Cawnpore, and prefer a complaint." In this way the colonel sent for Deenha aforesaid, and having caused her to be confined in the guard at his own gate, said, " You have made a false complaint against the Bengalees; satisfy them." Thus the woman was confined; and five or six days after, the colonel sent for me and said, " this morning the subadar of the gate guard represented that the woman who is in confinement in the guard speaks of making you satisfaction; do you go to the subadar." Accordingly I went alone to the subadar aforesaid, and the subadar said, " This woman speaks of making you satisfaction; she is poor, and receives nothing for subsistence." I replied to the subadar, " This woman says that she is poor; this woman is possessed of a green coloured stone of the value of ten or twenty rupees, why does she not, by selling that, make an adjustment with us?" On hearing this, the subadar asked the woman, " Have you any stone?" The woman replied, " I have not." After this, I said, " you formerly showed to us a green coloured stone, and said, ' this stone is worth twenty rupees;' where is that stone?" On hearing this, the woman, after remaining silent, agreed that she had it; after this, the subadar asked the woman, " You are possessed of some stone, where is that stone?" The woman replied, " it is at my dwelling-house." Then the subadar sent a sepahee in company with her. During this, Moonshee Mohummud Allee also came and sat down there. The aforesaid woman having gone to her own house, brought a bundle of clothes tied up, and in presence of the aforessaid subadar, opened it and produced from the midst a stone of a green colour, serahee shaped, the weight of which, I guess, might be six or seven rupees. She put it into the hands of the subadar; the subadar said, " this stone is nothing at all; what do you say to this?" and addressing himself to me, said, " Baboo, you wrongfully and falsely distress this woman." I said to the subadar, " I do not know what this is; but this woman said the stone was real." Accordingly, the subadar again asked the woman, " where did you get this stone?" The woman returned for answer, " once at Jauloon I went to dance at the rajah's house, and the lady of the said
gave it me as a present, and the above lady when she gave it to me said, ' this stone was a drop worn at my ear, but one day it separated from my ear, and falling into the fire, it was burnt, in consequence of which no lustre remains in it;' but the above lady gave me the stone, calling it real; from this I know that it is real." The subadar said, " your words relate to a great man's house; probably it may be. After this, the havildar and sepahee of the guard took it into their own hands and inspected it, and every one, according to his own conception, spoke of the value of the above stone; some at two rupees, and some at ten rupees, and some one said the stone is not real. In this manner Moonshee Mohummud Allee said to the above woman, " Well, be this stone real or false, which ever is in my fortune so it will be, if you will give it me for one rupee I will take it." The woman consented, and said,

" take

" take it." Afterwards to this effect, I and the said moonshee got up and went to our own houses; in the middle of the road the moonshee said to me, " do you lend me a rupee, that I may take this stone; when I receive pay from my master I will repay you." I delivered to the moonshee one sireenugur rupee which was at that time about me; about twelve o'clock the next day, the aforesaid colonel again sent for me, and I accordingly attended Moonshee Mahommed Allee, who said to me, " Why do you make such delay in coming? the paper of acquittance of all claims of Deenha aforesaid lies ready, and the colonel is in great anger, saying, 'I gave orders yesterday for the release of that woman; why is she not released by this time?'" Accordingly I and the said moonshee, together with Deenha the woman aforesaid, waited upon the colonel, and the aforesaid woman presented with her own hands, to the colonel, the acquittance paper which the said moonshee had written, with the attestation of the subadar, havildar, and others, and represented, " I am satisfied, and with my own consent and desire have written and given this rezeenamah." After that, the colonel said, " depart to your own country;" and he wrote his own signature. In this manner the woman obtained her release from confinement, and I went to my own house. I have not any knowledge at what time, in what manner, or in presence of what persons the aforesaid moonshee took the stone; but two days afterwards I asked the moonshee, " Have you taken that stone?" The moonshee replied, " I have taken it; but after taking the stone, the aforesaid woman said, 'moonshee, God preserve you, for in the Bazaar no one would give me four annas as the price of that stone, and you have given me a rupee: I shall reach Sagur excellently.'" And in the present instance, when the colonel, conformably to a summons from the presence, dispatched me to this place, he sent for me and said, " I have heard that Moonshee Mahommed Allee has taken some stone from the said moonshee, and taking it with you to Cawnpore; present it to the general on your arrival at the presence." The colonel accordingly sent for the above moonshee, and said, " Deliver that stone to Kaleechurn Baboo, that he may take it to the general's presence." In this way the moonshee, before the colonel's face, put the aforesaid stone into my hand; then the colonel aforesaid took it out of my hand, and having examined it, said, " What sort of stone is this; has the woman lodged a complaint?" At that time the above moonshee said, here is a razeenamah paper on account of the purchase of this said stone. The colonel said, give that also.

Accordingly, having brought the aforesaid stone and razeenamah to the exalted presence, I have presented them. No more.

(True translation.) Signature of *Kaleechurn Baboo.*

(signed) *A. Hardy*, Lieutenant, Interpreter, 2d Battalion, 28th Reg' N. I.

Deposition of the man named Huree Bungalee Baboo.

N° 8.—I was for the space of a year and a half at the Commissariat Godown appertaining to the station of Keitah, with Shee Narrain Baboo. In the month of April 1815, A.D. but the day of the month I do not know, I went from the above cantonment to Rath to Mindkishore, the saltpetre Baboo, and I guess that I remained there twenty days, and on the twenty-third day of the above month, an hurkurrah and a chuprassie of Colonel Routledge's came in the morning to me at Rath, and asked, " Is your name Huree Baboo?" I answered " Yes." They then said, " the above colonel has sent for you." I said, " if the colonel has sent for me, by the afternoon I will attend him." The hurkurrah and chuprassie said, " our orders are, bring him with you at this time, and if he should make any pretext for not coming, deliver him to the tehsildar or policedar, and return." Accordingly I, in company with the said hurkurrah and chuprassie arrived at the colonel's house, in the cantonment of Keitah, and said to the hurkurrah and chuprassie, " if the colonel has sent for me, I will go inside the bungalow, to the colonel's presence." The hurkurrah and chuprassie first said, " go to the moonshee and sit down; the moonshee will inform the colonel, and then it will be proper to go." Accordingly, I went and sat down with the moonshee, and said, " give the colonel information of my arrival." The moonshee said, " at this time the colonel is in the inner apartments, at a proper opportunity I will inform him, and then you must go." I replied, " I am a Hindoo, if there will be any delay in my attendance, I will bathe, and after eating something, I will attend." The moonshee said, " very well," and sent an hurkurrah with me, saying, " after letting this man eat something, bring him back." Accordingly

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I went in company with the hurkurrah, and having eaten something, again returned to the moonshee. The above moonshee said, " sit down, I will inform my master, and call you." He accordingly went into the bungalow, and returning, took me himself into the presence. The colonel said, " there is a complaint against you, and you have committed a great fault." I represented in form, " what fault has occurred; what person has preferred a complaint?" The colonel ordered the moonshee, as follows; " Take this man to the gate guard, and deliver him to the subadar, that he may keep him in confinement, and afterwards an investigation shall be ordered." Accordingly, in the afternoon of the 23d of April of the above year, the said moonshee took me with him to the guard, delivered me to the subadar, and said, " keep this man in confinement, but do not give him any annoyance." I was accordingly kept in confinement; and after eight days, as the colonel was one day taking a walk in the evening, came towards the guard, I represented to him. " No fault has been committed by your slave, and he is wrongfully confined, order the matter to be investigated." The colonel replied, " I will order an investigation." Accordingly the next morning, the above moonshee called me to him, and having taken down my oral deposition in writing, sent me back to the guard, and when I went out to eat my victuals, or to comply with the exigencies of nature, a sentry accompanied me, and brought me back to the guard, and I continued in confinement. At last, on the 3d or 4th day of June of the above year, I, accompanied by the sentry, went to the house of Shee Narrain Baboo, for the purpose of eating my victuals. After me, an hurkurrah of the colonel's came to me and said, the colonel says, " I have particularly inquired; there is no fault against Huree Bungalee Baboo, therefore I have released him," and the hurkurrah took with him to the bungalow guard, the sentry who had accompanied me; and I having obtained my release, remained as usual at the house of Shee Narrain Baboo aforesaid. On the 22d of September of the above year, the above colonel sent for me, and said, " General Marshall has sent for you, my moonshee, a subadar and others are going from hence, do you go in company with them." In consequence of this, I have attended at the illustrious presence at Cawnpore. O Master, on account of the woman named Keera, they confined me in the guard without cause, and at the expiration of a month and eleven days released me. What really occurred, I have most truly stated.

Signature of *Hurce Bengalee Baboo.*

(True translation.)
(signed) *A. Hardy*, Lieut. Interpreter, 2d Battalion 28th Native Infantry.

Deposition of Moheish Baboo, Partner of Kaleechurn Baboo, Merchant in the Cantonment of Keitah.

N° 9.—In the month of December 1815, A. D. a woman named Deenha, of the Ramjunee tribe (Hindoo dancing woman), together with her set, came from Sagur to the cantonment of Keitah, and settled at the edge of the Sudder Bazar; accordingly I used to send for the woman named Keera, who was of the aforesaid Deenha, sometimes at night and sometimes by day, and after keeping her with me dismissed her; in this manner a meeting occurred two or three times; and after a month the aforesaid Deenha, together with her household, went somewhere, and seven days afterwards, she, returning to the cantonments alone, said to me, " The girl named Keera has run away from my tent, if you have seen her tell me." I replied, " I have not seen her, nor has she come to me." After asking me to the above purport, the above woman settled in the aforesaid cantonment; during this the victorious army having marched to Pinwaree, all the people of the house of Deenha came and collected, and remained at that place. On the 2d or 3d day of April 1815, I went to a village, the name of which I do not recollect, for the purpose of cutting wood, and searching for trees; went to a village of Bundah, and by the side of the said village there was a well, and having gone to it for the purpose of getting water, I saw the aforesaid woman Keera bathing: recognizing her, I asked, " What are you doing here, your mistress is making search for you?" She replied, " I am not her daughter, it is my pleasure; I will stay wherever my inclination may lead me;" and in the above village there was a house, which she pointed out saying, " In that house a chuprassie has settled me." After conversation to the above purport, I returned to Pinwaree. On the third day after that, I again went to the village where I had seen the woman Keera, for the purpose of cutting wood, and cut down a tree; afterwards I went to the door of Keera's house, and sat down;

down; and as she was a Hindoo of the Ramjunee tribe, I called for her hooka, smoked, and asked her, "How did you come here?" the woman replied, "I am not a daughter of Deenha Nachwoman, nor her purchased slave; I stayed with her merely of my own will and pleasure, and have gained her hundreds of rupees, and she annoys me, therefore I stay at any place;" and she said to me, "Take me with you to camp;" I gave her no answer and when I departed towards the camp, the above woman followed me, and arrived in the camp. I went into the tent of Rajee Mess Baboo, and the said woman sat down outside the tent, under a pomegranate tree, and entered into conversation with some troopers and others; afterwards I rose up, and went into the cantonment of Keitah; and the woman remained sitting in the same place. Three days afterwards, when I went again to Pinwaree, I had not seen the above woman; in the morning the above-named Deenha, meeting me, said, "My woman, named Heera, came in company with you to the camp, where is she?" I remarked to her, "She did come, but sat down under a pomegranate tree, and I went to Keitah; I do not know further where she went, search for her, and take her." Five days afterwards the said Heera and I again met; I asked her, "Where have you been; your mistress has been asking me, where is the woman named Heera gone?" The woman replied, "I am not her daughter, she enticed and brought me away; wherever I may meet with her, I will make her accountable." During this, General Marshall marched from Pinwaree to Cawnpore; and two or three days after, the above Deenha Nachwoman preferred a complaint against me to Colonel Routledge, stating, "Moheish Baboo keeps my woman Heera in his house;" accordingly the said colonel sent a sepahee and a hurkurrah to the cantonment of Keitah, to fetch me, as on that day I had gone to a village for the purpose of cutting wood, the sepahee and chuprassie aforesaid returned. The second day after, when I returned to Pinwaree, I heard that the aforesaid colonel had sent a sepahee and a hurkurrah to fetch me. In consequence of this, without being sent for, I attended at the colonel's presence. The colonel said, "A Nachwoman has preferred a complaint against you, respecting a woman of her's." I represented, "The above woman is not with me;" and after stating this, I came out. The morning after, when the said colonel came to Keitah, he sent for me, and said, "The woman is with you, give her up, or go into confinement." I said, "Order it to be investigated;" the colonel said, "Until the time it is investigated, you shall remain in confinement." Accordingly, I remained a day and a half in confinement in the gate guard. I afterwards said, "I will give security;" the colonel said, "Well, give security." Having accordingly given the security of Kaleechurn Baboo, I obtained my release. Seven or eight days after, when the 4th regiment of cavalry marched from Pinwaree towards Pertaubgurh, I went one march along with the said regiment for the purpose of collecting sums of money entrusted to some men, and having collected the money, returned, after two days, to cantonments, and heard that the colonel had put Huree Bengalee Baboo into confinement, on account of the woman named Heera; but I did not understand what the colonel asked the above Baboo, nor what answers he gave; but the said colonel sometimes blamed me and Kaleechurn Baboo, and said, "Produce the woman belonging to Deenha, otherwise I will again order you to be confined." In this manner an interval of near two months elapsed; one day I represented to the colonel, "The woman named Deenha has preferred a complaint against me, two months have elapsed, and no examination has been made by my master; I am hopeful that he will order an examination into this affair;" accordingly the said colonel sent for Deenha Nachwoman, and said, "If you have the certificate of sale of the woman Heera, bring it, and she shall be restored." The woman returned for answer, "I have it, but it is left at Sagur, in fifteen days time I will send for and produce it." Thus a space of twenty-two days passed, and the said woman had not produced the above bill of sale. I accordingly represented to the colonel, "The above woman promised, in your presence, to produce the bill of sale in fifteen days, whereas twenty-two days have passed, and she has not produced it." In consequence of this, the colonel sent for the above woman, and asked, "Have you not brought the certificate of sale?" The woman returned for answer, "In my part of the country, it is not the custom to write certificates of the sale of slave girls." The colonel said, "If you have not the paper, how can you get your woman restored?" the woman said, "I am without remedy, let my master do whatever he may be disposed to." I at that very time represented to the colonel, "My master has wrongfully confined me two days, and taken away my character." Accordingly, the colonel said to the above woman, "You have made a false com-

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plaint, and caused Moheish Baboo to be confined two days; now do you, in retribution thereof, remain in the same manner in confinement." Accordingly, the above woman, conformably to the colonel's orders, was confined in the gate guard of the said colonel, and remained in the guard three days, when the subadar of the guard and other men gave Kaleechurn Baboo to understand, "What advantage can arise to you from having this woman confined? she is a woman, be satisfied, and cause her to be released." Accordingly, the above Baboo said to me, and I also said, "I am satisfied." In consequence of this, Kaleechurn petitioned the said colonel, and having caused to be written by the said Deenha an acquittance from all claims on account of the woman Heera, she was released. No more.

(True translation.) Signature of *Moheish Baboo.*

(signed) *A. Hardy*, Lieutenant, Interpreter, 2d battalion 28th N. I.

To Major General Marshall, commanding 1st Division and Field Army, Cawnpore.

Sir:—I hope you will have the goodness to excuse the interruption of this address. But the absence of my moonshee Mohummud Allee for so long a period, has been productive of much inconvenience to me, and I shall feel greatly obliged by you directing him to return to me as soon as circumstances will possibly permit.

I learn from a letter I just received from him, that his detention has been chiefly owing to some difference in the separate accounts given by him and Collypersaud, regarding the bead alluded to, in the petition presented to the commander-in-chief, by a woman (or by others in her behalf), although I cannot perceive why this should be the case.

I am desirous of giving every information in my power on the subject, especially as it appears by Brigade Major Fountain's public letter by your order, that the complaint applies to myself.

The following, however, is all I know of the transaction.

The same day or the day after, this woman, Collypersaud, his relation Moheish, had agreed amicably to terminate their long pending dispute, Collychurn came and made his salem to me, and at the same time presented a bead. I took it in my hand, looked at it, and asked where he got it. He replied, your moonshee bought it from that woman for one rupee. I said it was a common glass bead, of no use or value. But as it is not usual to reject trifling salems offered in the way of compliment, I immediately took it into the next room, and gave it to my daughter, who looked at it, and made the same observation that I had done myself, viz. that it was a common green glass bead of no value, and of no use to her; I, however, left it with her, and I can truly declare, that we never talked of or thought of it afterwards, until my receiving a letter from the adjutant general regarding the petition presented to his Lordship by the woman; I went and asked my daughter if she recollected my having given her a bead about a month ago; she said, she recollected the circumstance very well, and asked why I inquired about it; I told her, because I have just received a public letter from the adjutant general, communicating that a petition had been presented to Lord Moira by the woman who had sold it to the moonshee; that the natives concerned on the occasion, were to be sent to Cawnpore; and, as I wished to send the bead by the man from whom I got it, for the purpose of shewing it to General Marshall, and relate to him what he knew about it, I hoped she would search for, and be able to find it, which she did, and I immediately returned the bead to Collypersaud, with instructions that he would deliver it to you, and faithfully and truly tell you every thing he knew regarding it.

It is to be regretted that this infamous woman (who is a common prostitute of the lowest class) should have had it in her power to have caused so much trouble, and calumnious reports, by the assertion of the most palpable falsehoods, instigated no doubt by other evil minded persons; but I confidently trust, Sir, that you will ere this, have been fully convinced of her guilt, and not only cause her to be punished in proportion to her offence, but do me the justice, as well as those falsely accused in her petition, to write to his Excellency the commander-in-chief, in such manner as will effectually remove any unfavourable impression or doubt which might otherwise rest on his Lordship's mind.

I have, &c.

Keitah, 13th October 1815. (signed) *Francis Routledge*, Colonel, commanding in Bundleecund.

Minute,

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Minute,—It appears that Colonel Routledge confined under charge of his own guard, two persons not accused of any military offence, and not residing within the cantonment.

It appears that no provision was made for the subsistence of the woman, one of those prisoners, and a very unpleasant suspicion arises, that hunger and the grievous indelicacies to which she was subjected, were contemplated as means of reducing her to submit to what was to be demanded from her.

It appears that the known agents of Colonel Routledge were apprized of this woman's possessing a stone supposed to be an emerald, and valuable.

It appears that those agents at length prevailed on the above female prisoner Deenha (a nachwoman) to produce the stone in question.

It appears that the stone was examined by the subadar of the guard and by others present, all of whom observed the brilliancy and fine colour of the stone, whence they imagined it to be of considerable worth.

It appears that the agents above-mentioned, bought the stone from the woman for one sireenugur rupee, and it is clearly perceivable, from even the imperfect testimony yet obtained, that the woman sold it at that price through being frightened, bewildered and in despair, it obviously having been held out to her, that her compliance was the only mode by which she could terminate her existing confinement and sufferings.

It appears, if one is to credit the statement of Collychurn, that the stone so obtained remained in the possession of Moonshee Mohummud Allee till he was required to produce it, in order to its being sent to Major General Marshall, and that the moonshee did then deliver it to Collychurn, in presence of Colonel Routledge.

It appears, if one is to credit the statement of Colonel Routledge, that the stone was (immediately after its being procured from the woman) presented by Collychurn as a salam to Colonel Routledge, who gave it to his daughter Mrs. Hawkins, she remarking that it was only a glass bead; and it is asserted by Colonel Routledge and Mrs. Hawkins, that the said glass bead continued in the possession of Mrs. Hawkins till he required and obtained it from her, in order to send it to Major General Marshall.

It appears that the persons who had examined the stone while it was yet belonging to Deenha at the guard, unanimously declare the bead transmitted by Colonel Routledge to Major General Marshall, not to have been the stone sold by Deenha.

The reflections which arise from this state of the evidence, are very unfavourable for Colonel Routledge, no reason is assigned why Collychurn, who was in constant intercourse with Colonel Routledge, and seems to have been employed in the management of his affairs, should have thought it requisite to present a salem; or presenting the salem, should have offered any thing so common and useless as an ordinary bead; nor is it less remarkable, that Colonel Routledge should have feared to offend a person of such intimacy with him, by rejecting the offering. But if Collychurn had made that present, it is impossible he should have forgotten it; and so far from there being any comprehensible objection to his stating the fact, it was the very thing he would naturally have done (supposing the transfer an honest one) on finding himself likely to be criminally charged with having appropriated to himself the gem in question.

It follows, that either he did never give the stone to Colonel Routledge, or that he gave it as an article of value by guilt obtained, and never to be acknowledged. In the first case, why then does Colonel Routledge declare that he received the stone or bead from Collychurn? In the second case, the production of the bead instead of the real stone, would have proved Colonel Routledge's conscious participation in the iniquity of the transaction. The suspicion urges itself strongly, that Colonel Routledge gave to Mrs. Hawkins the bead, making her unknowingly a party in the business, that her being a depository of the article, might vouch for its identity with the stone extorted from Deenha, should inquiry ever be made into the matter. It would appear that Collychurn had been but insufficiently instructed in the plan of substituting the bead for the gem, and thereby proving from reference to the intrinsic worthlessness of the trinket, that it could not have been an object to defraud the woman out of it at the price of a rupee, the necessity of accounting for the intermediate custody of the article, in order to bar the probable imputation of its having been exchanged, did not at the moment occur, and hence it may be surmised, has arisen the total variance between the statements of Collychurn and Colonel Routledge, as to the disposal of the stone immediately after it was purchased.

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N° 157.—To C. W. Gardiner, Esq. Secretary to Government in the Military Department.

Sir:—In continuation of my letter, N° 11, (A.) dated the 3d instant, I have the honour to transmit the copy of a letter from Major General Marshall, under date the 28th ultimo, together with the three Persian papers, and the bead therein mentioned.

Translations of the two Persian papers marked (L.) and (M.) are also transmitted.

A translation of the paper marked (N.) was transmitted with the other papers in a former address. I have, &c.

(signed) *G. H. Fagan*, Adjutant General.

Adjutant General's Office, Presidency of Fort William, 22d Nov. 1815.

To Colonel G. H. Fagan, Adjutant General.

Sir:—Accompanying I have the honour to transmit you three Persian papers, marked (L.) (M.) and (N.) The first is the statement of the complainant; the second, the statement of her servant; and the last, the duplicate of the arzee, delivered by the complainant Deenha Tuwaif, at Futty Ghur, for the consideration of the Right honourable the Commander-in-chief, the foregoing being in continuation and in conclusion of my inquiries, forwarded you with my letter of the 21st instant.

These papers serve to prove, if further proof was necessary, that the bead sent me, and which I have the honour to inclose herewith, is not the bead that was obtained from the complainant Deenha Tuwaif.

Cawnpore, 28th Oct. 1815. I have, &c.

(signed) *D. Marshall*, Maj.-Gen. commanding Field Army.

Deposition of Bindrabun, inhabitant of Ahmunda, dependant in Poonah.

That he has been the servant of Deenha Tuwaif, of Sagur, for these last fifteen years, and accompanied her from thence to the cantonments of Keitah; that Heera, one of his mistress's slave girls, having run away at Khurela, she, to regain possession of her, carried her complaint before Colonel Routledge against Moheish Baboo, a Bengalee; that the colonel before-mentioned, demanding a sight of the deed of sale of the girl, he was despatched by his mistress to Sagur to fetch it, and that in the mean time his mistress was confined in the colonel's own guard.

That the deponent is at a loss to know for what reason his mistress was confined, and wherefore the Moonshee Mohummud Allee and Kaleechurn Baboo took a jewel away from her. That his mistress having been released from confinement, concealed herself in the village of Keitah, until such time as he returned from Sagur with the deed in question.

That his mistress then going privately to Major Popham's moonshee, and relating to him the whole of her case, afterwards set out, accompanied by the deponent, to Futtyghur, and presented her memorial to Colonel Fagan, to which not receiving any answer, she returned to Sagur.

That his mistress having been permitted to repair to Cawnpore, accompanied by the deponent, appeared before Major-General Marshall, and exhibited a jewel (which accompanies the depositions), similar to, but not near so valuable as the one she had been unjustly deprived of by the moonshee and Kaleechurn Baboo, beforementioned.

(signed) *H. Huthwaite*, Captain,
Persian Interpreter to his Excellency the Commander-in-chief.

Deposition of Deenha Tuwaif, dancer, (owner of the jewel), inhabitant of Sagur, stating,—

That about eleven months ago, during the mohurriun, she removed from Mow Raneepoor to the cantonment of Keitah; and that, after a sojourn of two days in the latter place, a person named Moheish Baboo, a Bengalee, called at her house, and prevailed upon her to send him one of her girls; that accordingly a girl named Heera went to his house the same evening, and returned home the following morning, and repeated the visit for the two succeeding days, for which she received three rupees from the baboo; she did not return for fifteen days, nor did the baboo make her any recompence for the girl's absence from home.

That

That the deponent afterwards went with her girls, and established herself at Khurela, about eight coss distant from Keitah, when, on the second morning of her residence there, the before-mentioned girl ran away from her; in search of whom she sent her servant, named Bindrabun, towards cantonments, who proceeded in his inquiries as far as the quarter guards, the sepahees of which informed him, that a woman had passed that way into cantonments; that servant passing onwards, sought the girl for two days, but without success.

That on the second day, the deponent went alone into cantonments to the house of Moheish Baboo, and demanding her slave girl from him, the said baboo, that the girl had not come to him; that, in reply to this she observed, that the girl could not have gone to any body but himself, when the baboo said he knew nothing about her.

That she then said nothing further to the baboo, but remained in cantonments to make inquiries after the girl. That on the second day, her servant Bindrabun, prosecuting his search after the girl, went to the house of Moheish Baboo, when the Bengalee rising up to beat him, he retired. That this Bengalee came to the deponent the same day, and complained to her that her servant was constantly returning to his house in search of the girl, adding, that if she were there, he would consent to pay a fine of 500 rupees to the honourable Company, and then offered to pay her demands upon him for the girl's former visits to his house; that not agreeing to this offer, she continued her search for the girl a whole month, at the expiration of which, the troops marching towards Pinwaree, she accompanied them to that place in hopes of finding her.

That about the period when the general was removed to Cawnpore, the before-mentioned baboo came to the deponent, and told her to search for the girl at Ralth, Pinwaree, and other villages, which she accordingly did, in company with her servant Bindrabun; that going towards Beender, where the said baboo was cutting wood for the colonel's bungalow, she fell in with a Bengalee named Huree Baboo, and asked him if he knew any thing of a slave girl who had run away from her, to which he replied in the negative, but added, that Moheish Baboo keeps a girl in the village of Beender, though whether she belongs to you or not I cannot say; upon which she sought for the girl in the village of Beender, but without success. That, remaining at this place, she sent her servant into a neighbouring village called Rowree, who returned the next morning with intelligence that he had there seen the girl; that she thereupon went to this village, and demanded her slave girl of the zemindar Sookhjoo, who informed her that Moheish Baboo, and another person named Kishman, had carried the girl to some other place.

That she forthwith returned to camp, and laid her complaint before Doorgapersaud, the kotwal, who said he could do nothing in the business, unless the zemindar were also present; that she secured the attendance of the zemindar, who acknowledged to the kotwal that Moheish Baboo had lodged a girl named Keera at his house for about a month, but that he had removed her to some other place.

That the kotwal then carried the deponent before Colonel Routledge, and stated her case to him, when the colonel asked if it were correct, to which she replied that it was; that the colonel, sending a hurcurrah along with her to bring the zemindar in question before him, heard from him a confirmation of the account he had previously received from the kotwal.

That the colonel thereupon sending a hurcurrah and a havildar along with her servant to Keitah to fetch Moheish Baboo and Kishman, they met with Kaleechurn Baboo, whom the former said was gone to Beender to cut wood; that they brought Kishman to the colonel, who asked him if he knew the girl in question, and where she then was; to which he replied that her name was Keera, but he did not know where she then was, as the baboo had taken her from him when close to camp, and had sent him on to Keitah; on hearing which the colonel confined this man.

That the baboo, the next morning, came into camp, waited upon the colonel, and obtaining the release of Kishman, sent him back to Keitah; that not knowing what to make of this occurrence, the deponent sent to the Moonshee Mahommud Allee, who told her that the baboo acknowledged having the girl in question, and that she should be given up to her, if she would present a nurzur to the colonel of fifty rupees; that she offered thirty rupees, all the money she was possessed of, as well as the amount of her demand upon the baboo, provided she got back her slave girl; in addition to which the moonshee demanded something for himself.

That after having wasted more than a month in this business, the colonel informed her, that the troops were upon the point of returning to cantonment, and that the

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girl should there be given back to her; instead of which, six days after the arrival of the troops in cantonments, Hurree Baboo Bengalee was confined in the colonel's own guard, and the moonshee told the deponent, that unless she would depose in writing, that the said Hurree Baboo had got the girl in his possession, her nose and hands should be cut off.

That not agreeing to this, she was sent for by the colonel to his bungalow, when he asked her, whether the girl in question was her daughter, or whether she had purchased her; on saying the latter, the colonel asked for the deed of sale, which she said she had, but that it was at Sagur; that on the colonel's requiring her to show the deed, she dispatched her servant Bindrabun to Sagur to fetch it.

That three days afterwards, the colonel sent an hurkurrah to bring her again before him; that she went, but saw only the moonshee, and having remained at the bungalow till evening, was then put in confinement in the colonel's own guard, where she remained four days without food; that on the relief of the guard, the havildar reported the circumstance to the moonshee, who replied, that the woman had plenty of money of her own.

That the relieving Subadar Kissuree Singh, after he had been five days on the guard reported to the colonel, that the deponent had remained nine or ten days, and was nearly exhausted; the colonel observed to him, that the woman was a haramzadee, and had plenty of money, but that if she would give up all claims to the girl in question, she would be set at liberty, to which she did not consent.

That the next morning the Moonshee Mahomud Allee and Kaleechurn Baboo coming to the deponent, told her, that if she would give up all claims to the girl, and would make a nuzuranse of the jewel belonging to her to the colonel, she should be set at liberty; that on her telling Kaleechurn she had not the jewel, he replied, I know you have, and if you do not give it up, your nose and hands shall be cut off; that on hearing this threat, she acknowledged having such a thing, but said that it was at her house; that the subadar on this, sent a sepahee with her to her house, from whence she brought it folded up in a piece of cloth, and threw it down before the moonshie, the baboo, and the subadar; that a sentry who was present opened the cloth, took out the jewel and handed it over to the subadar, who gave it to Kaleechurn, who carried it to the colonel; the colonel, however, sent it back to be returned to the deponent, which was done; that after some further discourse, the moonshie and baboo retired, leaving her still in confinement.

That these two persons returned the next morning to the deponent, to prevail upon her to give up the girl, which not consenting to, the moonshee turned to the subadar and said, you see what a haramzadee this woman is; she shall not however be released unless she give up all claims to the girl; that the subadar hereupon representing to her the situation she was in, recommended her to waive all claims to the girl in question, to which at length she unwillingly consented.

That the moonshie in consequence, drew up the deed of release of the girl, which was afterwards witnessed by the subadar, havildar and others, whose names she does not know; this matter being settled, the moonshee then said to the deponent, that she must also give up the jewel as a nuzurauna to the colonel; that to save her life, *nolens volens*, she gave up the jewel to the moonshee, who carried it into the bungalow, and returned saying, that the colonel had accepted of it, and had sent her a sirheenugur rupee to procure her some food; that refusing to receive the rupee, the moonshee abused her and frightened her so much, that she at last took it; that the moonshee afterwards obliged her to sign a razeenamah of the sale of the jewel (witnessed as before). The deponent, however, cannot say whether the colonel accepted the before-mentioned jewel, or whether the moonshee kept it himself.

That after the papers before mentioned had been given her, the moonshee and Kaleechurn told her she must quit this part of the country, with a threat, that if she made a complaint to any one of what had passed, her nose and hands should be cut off; that she was no sooner set at liberty than she quitted Keitah, and remained in concealment for fifteen days waiting for the return of her servant from Sagur; that on his rejoining her, she went privately to Major Popham's moonshee to get a memorial of her case drawn up, and carried it with her to Furruckabad, where she presented it to Colonel Fagan. But not receiving any answer thereto, she, after waiting two or three days, returned to her home at Sagur.

That obtaining permission to visit Cawnpore, she appeared before Major General Marshall, bringing with her a jewel similar to but not near so valuable as the one Moonshee Mahomud Allee had taken from her whilst confined in the guard at Keitah,

Keitah, which had cost Bologee, an inhabitant of Kulpee, by whom it was given to the deponent, 910 rupees 13 annas.

The deponent, Deenha Tuwaif, therefore prays, that justice may be rendered to her.

(signed) *H. Huthwaite*, Captain, Persian Interpreter to his Excellency the Commander in Chief.

Ordered, That copies of the foregoing papers, together with the Persian documents marked A. to N. inclusive, and the emerald bead therein referred to, be transferred to the judicial department for consideration, and such orders as may be deemed necessary.

(A true extract.) (signed) *C. H. Gardiner*, Sec. to Government.

Ordered, That the secretary write the following letter to the magistrate of Bundlecund.

N° 10.

Sir:—I am directed by the Right honourable the Governor General in council to transmit to you the accompanying extract from the proceedings of Government in the military department of the 29th ultimo.

2.—The translation included in that extract, appearing to be in many respects inaccurate, I am directed to send to you the accompanying Persian originals for your further information.

3.—The Governor General in council desires that you will proceed to investigate, in your capacity of magistrate of Bundlecund, the charges of illegal confinement and exaction contained in these papers, so far as they affect Collychurn and Moonshee Mahomed Allee, the two natives who appear to be chiefly implicated in the transaction, with a view to the eventual commitment of those persons, or either of them, for trial before the court of circuit.

4.—You are desired to report the result of your proceedings, and of the court of circuit in this case for the information of Government.

5.—The glass bead alluded to in the proceedings is also herewith transmitted.

Council Chamber, 19th Jan. 1816. I am, &c.

(signed) *W. B. Bayley*, Sec. to Government, Judicial department.

Extract, Bengal Judicial Consultations, 26th April 1816.

To W. B. Bayley, Esq. Secretary to Government.

N° 10.

Sir:—Having this day received a private request from Colonel Routledge, to furnish him with a copy of the proceedings connected with the charge of illegal imprisonment and extortion, which I have been directed to inquire into, as far as relate to the conduct of Collychurn Bengalee and Moonshee Mahomed Allee, I request you will be pleased to inform me, whether I may comply with Colonel Routledge's request, in respect to the English documents connected with the case received in your letter of the 19th January.

2.—I have hitherto been prevented from proceeding in the case from my inability to discover the residence of Moonshee Mahomed Allee; he has, however, at length been apprehended, and the inquiry shall be commenced without further delay.

I have, &c.

Foujdaree Adawlut, (signed) *J. Wauchope*, Magistrate.
Zillah Bundlecund, 10th April 1816.

Ordered, That the secretary write the following letter to the magistrate of Bundlecund.

To the Magistrate of Bundlecund.

N° 11.

Sir:—I am directed to acknowledge the receipt of a letter from you, dated the 10th instant, and to acquaint you, that as the inquiry which you have been instructed to prosecute, under the orders of government, of the 19th January last, is not directed to any judicial investigation into Colonel Routledge's conduct; the Right honourable the Governor General in council does not consider it to be necessary or proper to authorize you to furnish Colonel Routledge with a copy of any of the papers which have been transmitted to you in my letter above alluded to.

Council Chamber, 26th April 1816. I have, &c.

(signed) *W. B. Bayley*, Sec. to Government.

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Criminal, W. P. N° 1.

Extract, Bengal Judicial Consultations, 13th September 1816.

To W. B. Bayley, Esq. Secretary to Government.

Sir:—In continuation of my reply to your letter of the 19th January 1816, on the case of Collychurn and Moonshee Mahomed Allee, charged with extortion and illegal imprisonment, in which I was directed to report the result of the proceedings of the court of circuit, as well as my own, I have the honour to state, for the information of the Right honourable the Governor General in council, that Mr. Wynne, by whom the cause was tried, has found it necessary to refer it for the decision of the court of Nizamut Adawlut.

Zillah Bundlecund, 26th August 1816. I have, &c. (signed) *J. Wauchope*, Magistrate.

Ordered, That the secretary write the following letter to the register of the Nizamut Adawlut.

To the Register of the Nizamut Adawlut.

N° 2.

Sir:—I am directed by the Right honourable the Governor General in council to desire, that you will lay before the Nizamut Adawlut, the inclosed copy of a letter from the magistrate of Bundlecund, dated the 26th ultimo, and acquaint the court, that his Lordship in council is desirous of being informed of the result of the proceedings which may have been held by the Nizamut Adawlut, in the case of Collychurn and Moonshee Mahomed Allee, the persons mentioned in Mr. Wauchope's letter, together with any suggestions which the court may judge it proper to submit to government, connected with the trial in question.

Council Chamber, 13th Sept. 1816. I have, &c. (signed) *W. B. Bayley*, Chief Sec. to Government.

Extract, Bengal Judicial Consultations, 16th Deeember 1816.

Criminal, W. P.

Magistrate of Bundlecund to W. B. Bayley, Esq. Secretary to Government in the Judicial Department, Fort William.

N° 18.

Sir:—In obedience to the orders of government conveyed by your letter, under date the 19th of January last, I have now the honour to report the result of my proceedings in the investigation of the charges of illegal confinement and extortion contained in the papers transmitted with that letter, as far as they affect Collychurn and Moonshee Mahomed Allee. I have committed both those persons to take their trial before the court of circuit, the result of the proceedings of which court I shall, in obedience to the further orders contained in your letter, hereafter have the honour to report.

2.—The investigation has been unavoidably retarded until the 30th ultimo, when it closed; 1st, from my inability for a long period to discover the residence of Moonshee Mahomed Allee, and 2dly; from the delay incurred in procuring witnesses from distant quarters, who were not summoned till after the inquiry had commenced.

3.—Conceiving that it would be satisfactory to his Excellency in council, that my report should be accompanied by the whole of the evidence in detail, I have deemed it right to transmit * copies and translations of all the depositions and examinations that have been taken in the case, a copy and translation of a letter from Benaik Row, the chief of Saugor, on the subject of the emerald, and a copy of my final proceedings, under date the 30th ultimo, assigning my reasons for committing the defendants to the court of circuit.

* Documents accompanying this Report.

EXHIBITS;

N° 1.—Razeenamah for the emerald.

N° 2.—Acquittance for the slave girl.

N° 3.—Letter from Row Benaik Row, of Saugor, respecting the stone.

COMPLAINT.

N° 3.—Deposition on oath of Deenha Tuwaif, complainant, taken on the 20th April 1816.

N° 6.—Continuation of the same on the 27th April.

DEFENCE.

N° 4.—Examination of Moonshee Mahomed Allee, taken on the 20th April 1816.

4.—The representation of Deenha, the complainant before me, is substantially the same as that which she had formerly made to his Excellency the Governor General. Her indigent condition, and the apparent improbability of her exposing an emerald of value to the hazard incidental to the insecure and wandering

N° 7.

life

N° 7.—Second examination of Moonshee Mahomed Allee, on the 22d April 1816.

N° 9.—Third examination of the same, on the 23d April 1816.

N° 14.—Fourth examination of the same, on the 24th April 1816.

N° 20.—Fifth examination of the same, on the 23d May 1816.

N° 5.—Examination of Culeechurn, taken on the 22d April 1816.

EVIDENCE.

N° 8.—Deposition on oath of Kisree Sing, soubahdar, taken on the 23d April 1816.

N° 13.—Second deposition, on the 24th April 1816.

N° 10.—Deposion on oath of Shunker Sing, havildar, taken on the 23d April.

N° 11.—Second ditto, on the 24th April.

N° 12.—Deposition on oath of Deenah Sing, sepoy, on the 24th April 1816.

N° 15.—Deposition on oath of Bendrabund, the plaintiff's attendant, taken on the 24th April 1816.

N° 16.—Deposition on oath of Hurree Baboo, taken on the 24th April 1816.

N° 17.—Deposition on oath of Muhush Baboo, taken on the 24th April 1816.

N° 18.*—Deposition on oath of Mudarec, taken on the 27th April 1816.

N° 19.*—Deposition on oath of Sheedeen, havildar, taken on the 27th April 1816.

N° 20.*—Second ditto of ditto, on the 29th April 1816.

N° 21.*—Deposition on oath of Syphun Bangallie, taken on the 3d May 1816.

N° 22.—Deposition on oath of Shoekh Soobhau Mohullahdar of the Kytah Buzar, taken on the 3d May 1816.

N° 23.*—Deposition on oath of Sykjoo, zemindar of Rooree, taken on the 3d May 1816.

N° 24.*—Deposition on oath of Bence Sing, soubahdar of the 1st battalion 3d regiment native infantry, taken on the 23d May 1816.

N° 25.*—Deposition on oath of Ramdeen, sepoy 1st battalion 3d regiment native infantry, taken on the 23d May 1816.

N° 26.—Deposition on oath of Deeby Sing, sepoy of the 1st battalion 3d regiment

life she had followed since she left her home, excited some suspicion in my mind as to the alleged worth of the stone, and I therefore thought it right to address a letter to Row Benaik Row, the chief of Saugor, (from a lady of the family to which he is manager, the stone is stated to have been presented to the plaintiff), requesting that he would furnish me with a particular account of the circumstance. Benaik Row, in his reply states, that the mother and maternal aunt of Deenha had been fifty or sixty years in the service of Bala Row, (the predecessor of the present Nana Govind Row), that on the occasion of the marriage of the grandson of Bala Row, (to celebrate which Bala Row, and Luchmun Bhaee his wife, came from Culpee to Saugor), Luchmun Bhaee presented the mother of the plaintiff with a pair of emeralds which she had taken from a pearl necklace, and that the plaintiff had afterwards sold one of them in Seendiah's camp.

5.—The defence made by the accused before me, particularly that of Calleechurn, varies considerably from the substance of their examinations before General Marshall, as shall hereafter be more particularly noticed. I shall now briefly report the statements of each.

6.—Calleechurn asserts before me, that Deenha, the complainant, having accused Muhush Baboo his partner, to Colonel Routledge, of inveigling away her slave girl, with her ornaments, the colonel put Muhush Baboo in confinement; that he remonstrated with the colonel, telling him that the girl had gone with Muhush of her free will, and had lived with several other persons, whom he enumerated; that the colonel upon that, and in consideration of a recommendation in his (Calleechurn's) favour from General Marshall, which he shewed him, released Muhush Baboo on his security; that the colonel afterwards informed him that he had satisfied himself from what he had learnt from the zemindar of Rooree Khirah, the place where the slave girl had been secreted; that what he had told him was true, and asked at the same time for Hurree Baboo, against whom the colonel's suspicions seem now to have been excited; that Hurree Baboo was sometime afterwards summoned from Raoth, and confined by the colonel, who at the same time enjoined Calleechurn to produce the slave girl; that five or six days afterwards, Calleechurn told the colonel that the girl had been compelled, against her will, to adopt her profession, and that she was now a British subject, and would not return to the Mahratta country.

7.—That

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regiment native infantry, taken on the 23d May 1816.

N° 27.*—Deposition on oath of Beebootee Sing, sepoy of the 1st battalion 3d regiment taken on the 23d May 1816.

N° 29.—Deposition on oath of Doorgapershaud, late cutwal of the Kytah Bazaar, taken on the 30th May 1816.

N° 31.—Proceeding, committing the defendant, dated 30th May 1816.

Those marked (*) were not examined by General Marshall.

7.—That two or three days after this, the colonel informed the defendant he had required the complainant to produce the deed of sale of the girl, which she had promised to do in twenty-five days; that a month elapsing without the production of the papers, Kaleechurn and Muhush Baboo remonstrated with the colonel on the ill-usage they had sustained, and threatened to appeal to the magistrate and to General Marshall if he did not punish the complainant for preferring a false complaint against them. That two days after this, he went at the colonel's desire to the plaintiff, and told her that as she was an inhabitant of Saugor, and had preferred a false complaint against the Bengallees, she must either give security, or be sent before the magistrate, and that as she had no answer to make, the colonel put her into confinement.

8.—That four or five days after this, the subadar of the guard in which the plaintiff was confined, having intimated that she wished to settle the matter, the colonel sent him (Kaleechurn) to visit her; that the plaintiff then told him she was without food, and had been desired by the colonel to settle with the Baboos when she should be discharged; that he desired her if she had any complaint to make about the girl, to make it before the magistrate, but she said she would not do so, but would prosecute him for six months before the colonel, and get *him* sent to the guard; that when he asked how she would support herself in that time, she said she had a precious stone she would sell; that the soubahdar asked what stone it was; and being informed of what she had said, he asked her where it was deposited; that she then denied having the stone, but being reminded by Calleechurn of the jewel she had once offered for sale to Muhush Baboo, she reluctantly acknowledged that she had it, and brought it from where she had previously lodged; that Moonshee Mahomed Allee was present during this conversation; that when the woman went to fetch the stone, both he and the moonshee retired, (he to a bungalow near the colonel's residence), but returned when the stone was produced by the plaintiff; that the soubahdar first took the stone, and inspecting it, observed, that it was not worth four cowries, and possessed no brilliancy; that the plaintiff, after explaining how she came by it, said, that in consequence of its falling into the fire from her ear when wearing it, it had lost its lustre; that the colonel then coming out of the bungalow with his daughter, and hearing of the circumstance, desired his bearer to bring the stone to look at; that in the evening he (Calleechurn) got the stone from the soubahdar, which he handed to the colonel, who inspected it, as did his daughter, and observing that it was a false jewel, returned it to him, and he gave it back to the soubahdar, who restored it to the plaintiff; that the soubahdar then asking her the value of the stone, she answered that since it had fallen into the fire its value had decreased, and was not now ascertainable; that Moonshee Mahomed Allee valued it at one rupee, and the plaintiff assented; that on retiring, the soubahdar asked what was to be done about the razeenamah, when the defendant answered he would consult with Muhush Baboo; that he at the same time gave Moonshee Mahomed Allee a rupee to purchase the the stone.

9.—That next day the moonshee accosted him, and told him the colonel was angry at the delay in the release of the woman, which had been suspended only on his arrival to settle the razeenamah, and which the moonshee said was all ready and witnessed, and that he, the moonshee, and plaintiff then went to the colonel's residence, where the plaintiff drew her pen over the paper in token of signing it in presence of the colonel, who said he would himself afterwards sign it.

10.—That three days afterwards, Calleechurn asked the moonshee if he had bought the stone, when he answered in the affirmative, regretting that he had thrown away a rupee on what was not worth four annas.

11.—That on the 10th or 11th of September, the colonel desired him to go to Cawnpore to be present at the investigation into a complaint about the stone and girl, which General Marshall had been desired to institute; that having prepared to depart, he went to the colonel's bungalow, where he found Moonshee Mahomed Allee,

Allee, who desired him to take the stone which he had purchased along with the paper to Cawnpore; that he first objected to this, but having carried the stone to the colonel, and asked him why he should be selected to take it, and being ordered by him to go, as the moonshee's going would be inconvenient, he assented; that the colonel at the same time looked at the stone, and observed, "is this, which is not worth four annas, what the woman calls a jewel?" He further declares that the stone was in the moonshee's hand when he went into the bungalow, but whence he brought it he cannot say.

12.—The two papers were then shewn to Calleechurn, and he declared they were not those which the plaintiff had signed, one of which he asserts was broader, and the other smaller; being afterwards shewn the green bead, he affirmed it was not the same stone which he conveyed to General Marshall.

13.—Such is the whole substance of Calleechurn's account of the transaction before me. The most important variation between it and the statement he made before General Marshall has relation to the manner in which the stone was deposited from the time of its being extorted to that of its transmission to Cawnpore. Before General Marshall, he declared that when Colonel Routledge was about to send him to Cawnpore, he desirred him "to get a stone from Moonshee Mahomed Allee, which he (the colonel) had heard the moonshee had taken, and to carry it to Cawnpore; that the colonel summoned the moonshee, and desired him to deliver the stone to him (Calleechurn), and it was so delivered before the colonel's face." Before me he declares, that when he went to the colonel, preparatory to his departure to Cawnpore, he found the moonshee and the colonel together, and the stone in the moonshee's hand, and pretends ignorance how it came there. In other respects his present statement differs immaterially from that which he made to General Marshall.

14.—But the most important feature in Calleechurn's examination is his own admission, that the confinement of the woman was procured by him in satisfaction of the injury which he and the other Bengallees conceived they had sustained at her hands. Before General Marshall, this admission involves a confession of the extortion of the gem; for he there admits that when he visited the plaintiff in the guard, and was told by the soubahdar of her distressed situation, he observed, "she had an emerald, why does she not, by *selling that*, *make an adjustment* with us?" And when the plaintiff denied having such a stone, he reminded her of the precious stone she had formerly shewn to the Bengallees; and according to the concurring evidence of the native officers of the guard, which it is difficult to disbelieve, he accompanied that address by the threat, that unless she produced the stone, she should never be released.

15.—Before me he has been more guarded, though here also he fully avows that it was owing to his menaces that Colonel Routledge imprisoned the woman; but in the conversation which passed on his visit to her when in confinement, in consequence of the colonel informing him that she talked of making a settlement with the Bengallees, he pretends that the mention of the stone originated with her, she shewing it spontaneously, threatened to sell it, that she might thereby be enabled to prosecute him for six months. He adds, however, that afterwards denying before the soubahdar that she had the stone, he reminded her of that which she had formerly offered to sell to Muhush Baboo, and which immediately led to its production. A fore-knowledge of the stone is here expressly admitted by Calleechurn; and that its previous disclosure to the Bengallees had excited his avarice, and had led directly to that treatment which compelled the woman to surrender it, appears to me to be clearly and confessedly proved. The very act of confinement cannot certainly be directly charged to Calleechurn, but that his expostulations and threats induced Colonel Routledge to confine her, he not only admits, but seems anxious to avow.

16.—It is only further necessary to remark upon Calleechurn's defence, that he denies the bond shewn to him in court to be the same as that he carried to General Marshall. He also denies the identity of the two deeds of acquittance for the stone and the slave girl.

17.—The first part of Moonshee Mahomed Allee's story differs immaterially from that told by Calleechurn. He evidently wishes to make it appear that Calleechurn was the originator and author of the ill treatment of the complainant; that what he did in the business was under the direction of Calleechurn, and that under that influence he confesses he went to the plaintiff, when in confinement, to require her to sell the emerald for a rupee; that he received the emerald from the hands of the havildar, by whom it was taken from the complainant, and gave it to Calleechurn;

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churn; that having drawn out a razeenamah for the stone on the same paper on which he also wrote out an acquittance for the slave girl, and having attested it by several persons present, he, Calleechurn, and the plaintiff, went with it to the colonel, where the plaintiff signed the paper, and he, the moonshee, returned home, leaving Calleechurn with the colonel; that he was not present when Calleechurn got his orders to go to Cawnpore, but saw him enter the colonel's bungalow to receive them, carrying the stone along with him. Before General Marshall, it will be recollected, he expresses himself as uncertain whether Calleechurn, on the occasion of his departure for Cawnpore, produced the stone himself, or whether he received it from the colonel.

18.—The moonshee positively denies that the documents produced are those which he wrote out. Those, he affirms, differed both in tenor and form; they were both, he asserts, indited on the same piece of paper, and the razeenamah for the stone designated him only as the agent of Calleechurn in the purchase. The razeenamah presented to General Marshall, and now contained in the proceedings, makes the moonshee the sole purchaser, and contains no mention of Calleechurn. The concurring testimony of the witnesses who signed the document (excepting only Guneesh, who is not forthcoming,) prove that only one paper was executed and attested by them; and a comparison of the hand-writing of the present documents with that of several perwannahs, which Moonshee Mahomed Allee confesses he wrote in Colonel Routledge's name to certain thannahdars of this district on the subject of supplies: the hand in which the acquittance for the slave girl is written entirely corresponds with the perwannahs acknowledged by the moonshee, but the razeenamah does not. The latter document must therefore be a forgery; but by whom or for what purpose it was forged, all the attainable evidence does not suffice satisfactorily to elucidate. The moonshee alleges that the documents were not shown to him by General Marshall at Cawnpore, and therefore he had not an opportunity of contradicting them.

19.—It may be conjectured that the razeenamah was forged, either to fix the guilt of the transaction exclusively on the moonshee, by making him the principal, not the agent in the business, or with a view to obtain the surreptitious signature of Colonel Routledge to the razeenamah for the stone when he conceived he was only signing the release for the slave girl. The colonel's signature is attached only to the release for the slave girl, not to the razeenamah for the stone.

N° 8. 10. 11. 12. & 13.

20.—I shall now proceed to notice the evidence. Sixteen witnesses have in all been examined, seven of whom were formerly examined by General Marshall. Three of those, the soubahdar, havildar, and a sepoy, were witnesses to the paper, and members of the guard in which the plaintiff was confined. With some variation, they depose that they found the complainant in confinement when they mounted guard; that she remained in their custody, according to the soubahdar, three or four, to the others, five or six days. They differ as to which of the defendants first demanded the stone of the woman, but they agree in stating that Calleechurn was the person who compelled her to acknowledge she had it, by reminding her of the stone she had previously displayed to his friends. They also concur in stating that Calleechurn was the person in whose possession the stone was last seen by them, and in denying that the plaintiff told the story Calleechurn ascribes to her of the stone falling into the fire, and thereby losing its lustre and value.

N°s 15, 16 & 17.

21.—The other evidence taken by General Marshall are, Bindrabund, the plaintiff's attendant, who corroborates her story as far as he was privy to the facts, and to all appearance in a credible manner; Hurree Baboo and Muhush Baboo, whose evidence is immaterial, as relating only to circumstances which preceded the confinement of the plaintiff; and lastly, Doorgahpershaud, late cutwal of the bazaar at Kytah, who declares that the moonshee showed him the paper on which the two agreements were written, and also the stone, which he declares was not the same as that shown him in the court.

N° 29.

N° 19.

22.—The witnesses whom I have examined, in addition to those who were examined by General Marshall, are, 1st, Sheodeen Sing, a havildar of the guard in which the plaintiff was confined, and a witness to the paper, whose testimony nearly coincides with that of the soubahdar and havildar of the guard already noticed; 2dly, Shoekh Soobhan, mohullahdar of the Kytah bazaar, whose name is also attached to the paper, and who swears that he witnessed a fareghkuttee at the plaintiff's request; but all he knows of it is, that it bound her not to return to Kytah; he says he did not see Calleechurn when the paper was executed, neither did he see or hear anything of the stone; 3dly, Madaree, a cook to the mess of

N° 22.

N° 18.

Colonel

Colonel Routledge's battalion; and 4thly, Syphen, his wife, lodged near to the hut where the plaintiff resided at Kytah, and were summoned at the instance of Calleechurn, apparently with the view to show the miserable and defenceless manner in which she was lodged, and the improbability of her having with her, in such a situation, so valuable an article as an emerald. They speak merely to the bundle in which the stone was deposited being left uncared for in the temporary and open chopper in which the plaintiff had lodged; and 5thly, Sykjoo, a zemindar, in whose village the plaintiff's slave girl was at first secreted, and whose evidence is immaterial, as having no reference to the confinement of the plaintiff. N° 21. N° 23.

23.—Conceiving that some light would be thrown upon the circumstances and reasons of the confinement of the plaintiff from those native officers who were on guard when she was first placed under restraint, I summoned them from Benares, where I learnt they were quartered. A soubahdar and three sepoys belonging to Colonel Routledge's battalion appeared; but all the informatinn I have been able to extract from them is, that the plaintiff was conducted to the guard by a bearer of Colonel Routledge, whose name they know not, and who conveyed the orders of the colonel for her confinement. N°s 24, 25, 26, & 27.

24.—Having thus completed my recapitulation of the complaint, defence, and the evidence, it only remains for me to express my opinion, that although both defendants are confessedly guilty of being instrumental to the imprisonment of the plaintiff, and the exaction of the precious stone, the value of which, as I have already observed, does not appear to have been materially exaggerated by the plaintiff, yet the guilt of Calleechurn appears to me in a much more heinous light than that of Moonshee Mahomed Allee. The incentive to, and object of the conduct of Calleechurn is clear and confessed; and all he seems to aim at (particularly in his first statement before General Marshall) is to shew that the treatment he and his associates had suffered, was such as to justify the confinement of the plaintiff and the extortion of the stone, supposing it to be the invaluable thing which he in vain attempts to prove it to be, by the unsupported story of its falling into the fire, which he put into the plaintiff's mouth. No such incentive appears to account for the conduct of the moonshee; and (as I have expressed myself in my proceedings of the 30th ultimo) considering the obvious hostility which subsists between him and Calleechurn, and which could hardly fail to lead to his detection if he had profited by the transaction, together with his present destitute condition consequent to his discharge from Colonel Routledge's service shortly after his return from Cawnpore, I am inclined to think that his guilt is confined to being the disinterested participator in an act which he could not but know was a criminal one. N° 31.

25.—All my endeavours have failed to discover by whom and under what circumstances the glass bead was substituted for the emerald, nor do I see how that mystery can be further cleared up. The result of this inquiry leaves the stone in the hands of Calleechurn in the bungalow of Colonel Routledge, according to the account of Moonshee Mahomed Allee, and it was last seen in his possession on his way to the bungalow by the majority of the witnesses. The defendants alone are privy to the production of the bond which was about to be sent to Cawnpore. Moonshee Mahomed Allee, before General Marshall, states his ignorance, whether Calleechurn or Colonel Routledge produced it on that occasion. Before me he asserts, that when Calleechurn went into the colonel's bungalow to receive his orders, he carried the stone with him. Calleechurn avers before the general, that the moonshee was the depository of the stone. Before me he alleges, that when he went to receive his orders to go to Cawnpore, the stone was in the hands of moonshee, who was in conversation with the colonel. I have, &c.

(signed) *J. Wauchope*, Magistrate.

Fouzdarry Adawlut, Zillah Bundlecund, 5th July 1816.

Ordered, That the enclosure which accompanied the foregoing letter, be deposited among the orders of the secretary's office.

Register of the Nizamut Adawlut, to W. B. Bayley, Esq. Secretary to Government, in the Judicial Department.

Sir:—In pursuance of the desire of government communicated in your letter, under date the 13th September last, I am directed by the court of Nizamut Adawlut to transmit to you, for the information of his Excellency the Right honourable the Governor General in council, the accompanying extract from the proceedings of N° 19.

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the court of this date, containing the sentence passed by them on the prisoners, Moonshee Mahomed Allee and Calleechurn, together with a copy of the letter therein mentioned from the officiating judge of the Benares court of circuit, dated 19th August last.

I am, &c.

(signed) *M. H. Turnbull*, Register.

Fort William, 18th November 1816.

Extract from the proceedings of the Nizamut Adawlut, under date the 18th November 1816.

Present,—J. Fombelle, Puisne Judge, and W. E. Rees, Officiating Judge.

The Court having duly considered the proceedings held on the trial of Moonshee Mahomed Allee and Calleechurn, charged with illegally imprisoning the prosecutrix, and extorting from her a precious stone, and the futwa of two of their law officers on the said trial pass the following sentence:

The prisoners, Moonshee Mahomed Allee and Calleechurn, have been convicted by the futwa of two of the law officers of this court, on violent presumption of compelling Mussummaut Deenha, when in confinement of Colonel Routledge's guard, by threats and intimidation, to sell to Calleechurn an emerald of great value, for a very inadequate price, and declared liable to discretionary imprisonment. Although the court do not concur in the futwa of the law officers, in considering the fact of the green drop actually extorted by the prisoners from the prosecutrix, having been a real emerald of great value, sufficiently established to warrant the conviction of the prisoners on that ground, however suspicious the circumstances may be, the court are satisfied that the prisoners are guilty of having extorted from the prosecutrix a green drop for the triffling sum of one rupee, under a persuasion that it was an emerald of considerable value. Under the foregoing opinion, and under the futwa of their law officers, the court sentence the prisoners to be imprisoned one year from this date.

The court consider it necessary to record, that the green drop in question was sent by their desire to a professed European jeweller, in Calcutta, for his opinion respecting it, and that the answer states that it was nothing but glass.

Read a letter from the secretary to government in the Judicial Department, dated the 13th September.

The Governor General in council having in the letter above recorded expressed a desire to be informed of the result of the proceedings held by the Nizamut Adawlut on the trial of Moonshee Mahomed Allee and Calleechurn, with any suggestions which the court might think it proper to submit to government connected with the trial in question,—

Resolved, That a copy of the letter from Mr. Wynne, the officiating judge of the Benares court of circuit, before whom the trial was held, transmitting his proceedings on the same, with a copy of the sentence now passed upon the prisoners, be submitted to the Governor General in council; the summary of the trial contained in Mr. Wynne's letter, and the proceedings and correspondence on the subject are already before government, comprising every thing material connected with the case; the court are not aware of the necessity of submitting to government any specific suggestion on the occasion.

(A true extract.) (signed) *M. H. Turnbull*, Register.

(Copy.)—To M. H. Turnbull, Esq. Register to the Nizamut Adawlut, Fort William.

Court of Circuit. 2d Sessions of 1816. Banda. Magistrate's Calendar, N° 33. Mussummaut Denha v^s^ Moonshee Mahomed Alee and Calleechurn, for illegal imprisonment and extorting a precious stone. May and June 1815.

Sir:—I request that you will submit, for the orders of the Nizamut Adawlut, the accompanying proceedings on the trial of Moonshee Mahomed Allee and Calleechurn, for illegal imprisonment and extortion.

2.—The offence with which the prisoners have been committed, took place in April 1815, and there have been no less than three examinations; Major General Marshall commanding in the field was first desired by the Right honourable the Commander-in-chief to make an inquiry into the matter, and to call on all the parties whose evidence he might think necessary towards an elucidation.

3.—Colonel Routledge commanding in Bundlecund was desired to forward every one connected with the transaction to the head quarters of the field officer at Cawnpore.

4.—The

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4.—The result of the major general's inquiries contained in the papers herewith transmitted, and which his Excellency requested might be transmitted to the judicial department for consideration, and with a view to ascertain whether or not there were grounds for a criminal prosecution of Colonel Routledge and the other parties concerned.

5.—The Governor General in council directed the proceedings of government in the military department to be transmitted to Mr. Wauchope, and ordered him to proceed to investigate, in his capacity of magistrate of Bundleeund, the charges of illegal confinement and extortion in those papers, as far as they affected Calleechurn and Moonshee Mahomed Allee, the two natives who appeared to be chiefly implicated in the transaction, with a view to the eventual commitment of those persons, or either of them, for trial before the court of circuit.

6.—The circumstances of the case are as follows:

7.—Mussummaut Deenha, a nauchwoman, travelled about a year ago from Saugor to Futtihgurh with a petition to the Governor General to recover a female slave, who had been seduced from her service with her ornaments, whereby she had been prevented from receiving the benefits arising from her servitude.

8.—The petition states, that Muhesh Baboo and Calleechurn Baboo, shopkeepers in the cantonments of Kytah Bundlecund, having inveigled away and concealed one of her female slaves named Heera, she applied to them to have the slave returned, they denied having any knowledge of her.

9.—That prosecuting her inquiries, she learned from a person named Huree Baboo, employed in the Godown of Kytah, that the above-mentioned Baboos had secretly removed the girl to the village of Rouree (dependant on Putwarree Bundlecund), and placed her in the house of Sikhjee, zemindar of the said village.

10.—That going to this village, she herself there saw her slave girl, and demanded her of the zemindar.

11.—That the zemindar instead of giving her up, set out immediately to Kytah to give intelligence thereof to the before-mentioned Baboos; when the latter, with a servant named Kishnan, set out from Kytah, and travelled with all expedition to Koonree, whence they removed the girl to some other place.

12.—That she was no sooner aware of this act of theirs than she carried her complaint to Colonel Retter (supposed Routledge) commanding officer of Kytah, who called the several parties before him; the zemindar, on being questioned by the colonel on the subject of the girl, informed him, that the before-mentioned Baboos brought her to his house, and also carried her away from thence, which the Baboos, who were present, did not deny, but presenting a nuzurana of 200 rupees to the colonel, represented that unless Huree Baboo were intimidated, and the complainant punished, the matter could not be got over.

13.—That the colonel in consideration of the nuzurana of 200 rupees, confined Huree Baboo (an innocent man), for the space of one month, and then released him; and also confined the complainant on the pretext that the girl in question did not belong to her, although she offered to produce the bill of sale of the girl.

14.—That she received no provision for fifteen days of the time of her confinement, except half seer suttoo daily from the kindness of a sepoy.

15.—That after being nearly starved, Mahomed Allee, the colonel's moonshee (Allee's mootsuddee of the battalion bazar), came to the memorialist and said, that if she wished to obtain her release, she must make a nuzur of an emerald belonging to her to the colonel, or she could not obtain it. To effect this purpose, she gave up the emerald to the moonshee, who immediately made out a deed of her consent thereto, and presented to her, along with a rupee which she was obliged to receive for fear of further confinement, and was then set at liberty.

16.—That although it might be difficult to establish the fact of the bribe of 200 rupees, her confinement, and that of Huree Baboo, was undeniable, as well as her claim to the girl.

17.—The representation of Deenha the complainant before me is substantially the same as that which she had formerly made to his Excellency the Governor General and to Mr. Wauchope; her indigent condition, and the apparent improbability of her exposing an emerald of value to the hazard incidental to the insecure and wandering life she had followed since she left her home, excited some suspicion in Mr. Wauchope's mind as to the alleged worth of the stone, and he therefore thought it right to address a letter to Row Benaik Row, the chief of Saugor, as from a lady of the family to which he is a manager; the stone is stated to have been presented to the plaintiff, requesting that he would furnish him with a particular account

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of the circumstance. Benaik Row, in his reply states, that the mother and maternal aunt of Deenha had been 50 or 60 years in the service of Bala Row, the predecessor of the present Nana Govind Row; that on the occasion of the marriage of the grandson of Bala Row, to celebrate which, Bala Row and Lutchmun Bhaee his wife, came from Culpee to Saugor. Lutchmun Bhaee presented the mother of the plaintiff with a pair of emeralds which she had taken from a pearl necklace, and that the plaintiff had afterwards sold one of them in Scindeah's camp.

18.—The defence made by the accused before me, particularly that of Calleechurn, varies considerably from the substance of their examinations before General Marshall, as shall hereafter be more particularly noticed; I shall now briefly report the statements of each.

19.—Calleechurn asserts, before me, that Deenha, the complainant, having accused Muhesh Baboo, his partner, to Colonel Routledge, of inveigling away her slave girl, with her ornaments, the colonel put Muhesh Baboo in confinement; that he remonstrated with the colonel, telling him, that the girl had gone with Muhesh Baboo, of her own free will, and had lived with several other persons whom he enumerated; that the colonel, upon that, and in consideration of a recommendation from General Marshall, in his (Calleechurn's) favour, which he shewed him, released Muhesh Baboo on his (Calleechurn's) security; that the colonel afterwards informed him that he had satisfied himself, from what he had learnt from the zemindars of Roosukherah, the place where the slave girl had been secreted; that what he had told him was true, and asked at the same time for Hurree Baboo, against whom the colonel's suspicion seems now to have been excited; that Hurree Baboo was some time afterwards summoned from Rhaat, and confined by the colonel, who at the same time enjoined Calleechurn to produce the slave girl; that five or six days afterwards Calleechurn told the colonel, that the girl had been compelled, against her will, to adopt her profession, and that she was now a British subject, and would not return to the Mahratta country.

20.—That two or three days after, the colonel informed the defendant, he had required the complainant to produce the deed of sale of the girl, which she had promised to do in twenty-five days; that, a month elapsing without the production of the papers, Calleechurn and Muhesh Baboo remonstrated with the colonel on the ill usage they had sustained, and threatened to appeal to the magistrate and to General Marshall, if he did not punish the complainant for preferring a false complaint against them; that two days after this, he went at the colonel's desire to the plaintiff, and told her, that as she was an inhabitant of Saugur, and had preferred a false complaint against the Bengallees, she must either give security, or be sent before the magistrate, and that as she had no answer to make, the colonel put her into confinement.

21.—That four or five days after this, the subadar of the guard in which the plaintiff was confined, having intimated that she wished to settle the matter, the colonel sent him (Calleechurn) to visit her; that the plaintiff then told him she was without food, and had been desired by the colonel to settle with the Baboos when she should be discharged; that he desired her, if she had any complaint to make about the girl, to make it before the magistrate, but she said she would not do so, but would prosecute him for six months before the colonel, and get him sent to the guard; that when he asked how she would support herself in that time, she said she had a precious stone, which she would sell; that the subadar asked what stone it was, and being informed of what she had said, he asked her where it was deposited; that she then denied having the stone, but being reminded by Calleechurn of the jewel she had once offered for sale to Muhesh Baboo, she reluctantly acknowledged that she had it, and brought it from where she had previously lodged; that Moonshee Mahomed Allee was present during the conversation; that when the woman went to fetch the stone, both he and the moonshee retired (he to a bungalow near the colonel's residence), but returned when the stone was produced by the plaintiff; that the subadar first took the stone, and then inspecting it, observed that it was not worth four cowries, and possessed no brilliancy; that the plaintiff, after explaining how she came by it, said, that in consequence of it falling into the fire from her ear, when wearing it, it had lost its lustre; that the colonel then coming out of the bungalow with his daughter, and hearing of the circumstance, desired his bearer to bring the stone to look at; that in the evening he (Calleechurn) got the stone from the subadar, which he handed to the colonel, who inspected it, as did his daughter, and observing that it was a false jewel, returned it to him, and he gave it back to the subadar, who restored it to the plaintiff; that the subadar then asking

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her the value of the stone, she answered, that since it had fallen into the fire, its value had decreased, and was not now ascertainable; that Moonshee Mahomed Allee valued it at one rupee, and the plaintiff assented; that on retiring, the subadar asked what was to be done about the razeenamah, when defendant answered, he would consult with Muhesh Baboo; that he at the same time took Moonshee Mahomed Allee a rupee to purchase the stone.

22.—The next day the moonshee accosted him, and told him the colonel was angry at the delay in the release of the woman, which had been suspended only on his arrival to settle the razeenamah, and which the moonshee said was all ready, and witnessed; and that he, the moonshee, and plaintiff, then went to the colonel's residence, where the plaintiff drew her pen over the paper, in token of signing it in presence of the colonel, who said he would himself afterwards sign it.

23.—That three days afterwards, Calleechurn asked the moonshee if he had brought the stone, when he answered in the affirmative, regretting that he had thrown away a rupee on what was not worth four annas.

That on the 10th or 11th of September, the colonel desired him to go to Cawnpore, to be present at the investigation into a complaint about the stone and girl, which General Marshall had been desired to institute; that having prepared to depart, he went to the colonel's bungalow, where he found Moonshee Mahomed Allee, who desired him to take the stone which he had purchased, along with the paper, to Cawnpore; that he first objected to this, but having carried the stone to the colonel, and asked him why he should be selected to take it, and being ordered by him to go, as the moonshee's going would be inconvenient, he assented; that the colonel, at the same time, looked at the stone, and observed, "Is this, which is not worth four annas, what the woman calls a jewel?" He further declares, that the stone was in the moonshee's hand when he went into the bungalow, but whence the moonshee brought it, he cannot say.

The two papers were then shewn to Calleechurn, and he declared they were not those which the plaintiff had signed, one of which he asserts was broader, and the other smaller; being afterwards shewn the green bead, he affirmed that it was not the same stone which he conveyed to General Marshall.

24.—Such is the whole substance of Calleechurn's account of the transaction before the magistrate and me. The most important variation between it and the statement he made before General Marshall, has relation to the manner in which the stone was deposited, from the time of its being extorted to that of its transmission to Cawnpore. Before General Marshall he declared, that when Colonel Routledge was about to send him to Cawnpore, he desired him to get a stone from Moonshee Mahomed Allee, which he (the colonel) said the moonshee had taken, and to carry it to Cawnpore; that the colonel summoned the moonshee, and desired him to deliver the stone to him (Calleechurn), and it was so delivered before the colonel's face. Before the magistrate and me he declares, that when he went to the colonel, preparatory to his departure to Cawnpore, he found the moonshee and the colonel together, and the stone in the moonshee's hand, and pretends ignorance how it came there. In other respects his present statements differ immaterially from that which he made to General Marshall.

25.—But the most important feature in Calleechurn's examination is his own admission that the confinement of the woman was procured by him, in satisfaction of the injury which he and the other Bengallees conceived they had sustained at her hand. Before General Marshall this admission involves confession also of the extortion of the gem, for there he admits, that when he visited the plaintiff in the guard, and was told by the subadar of her distressed situation, he observed, "She had an emerald, why does she not, by *selling that*, make an adjustment with us?" and when the plaintiff denied having such a stone, he reminded her of the precious stone she had formerly shewn to the Bengallees, and according to the concurring evidence of native officers of the guard, which it is difficult to disbelieve, he accompanied that address by the threat, that unless she produced the stone, she never should be released.

26.—Before me he has been more guarded, though here also he fully avows that it was to his menaces that Colonel Routledge imprisoned the woman: but in the conversation which passed on his visit to her when in confinement, in consequence of the colonel informing him that she talked of making a settlement with the Bengallees, he pretends that the mention of the stone originated with her, she having spontaneously threatened to sell it, that she might thereby be enabled to prosecute him for six months. He added, however, that afterwards denying before the subadar that

she had the stone, he reminded her of that which she had formerly offered to sell to Muhesh Baboo, and which immediately led to its production; a fore knowledge of the stone is hereby expressly admitted by Calleechurn, and that its previous disclosure to the Bengallees had excited his avarice, and had led directly to that treatment which compelled the woman to surrender it, appears to me to be clearly and confessedly proved. The very act of confinement cannot certainly be directly charged to Calleechurn, but that his expostulations and threats induced Colonel Routledge to confine her, he not only admits, but seems anxious to avow.

27.—It is only further necessary to remark upon Calleechurn's defence, that he denies the bead shewn to him in court to be the same as that which he carried to General Marshall. He also denies the identity of the two deeds of acquittance for the stone and the slave girl.

28.—The first part of Moonshee Mahomed Allee's story differs immaterially from that told by Calleechurn; he evidently wishes to make it appear, that Callechurn was the originator and author of the ill-treatment of the complainant; that what he did in the business was under the direction of Calleechurn, and that under this influence he confesses he went to the plaintiff when in confinement, to require her to sell the emerald for a rupee; that he received the emerald from the hands of the havildar, by whom it was taken from the complainant and gave it to Calleechurn; that having drawn out a razeenamah for the stone on the same paper on which he also wrote on it an acquittance for the slave girl, and having attested it by several persons present, he (Calleechurn) and the plaintiff went with it to the colonel; here the plaintiff signed the paper, and he (the moonshee) returned home, leaving Calleechurn with the colonel; that he was not present when Calleechurn got his orders to go to Cawnpore, but saw him enter the colonel's bungalow to receive them, carrying the stone along with him; before General Marshall it will be recollected, he expresses himself as uncertain whether Calleechurn, on the occasion of his departure from Cawnpore, produced the stone himself, or whether he received it from the colonel. He further says in his defence, that he was made the dupe of craft and subtilty, to give a colour to the transaction, from the criminality of which he delcares himself entirely free; that he is unpractised in deceit, and that Calleechurn is a designing character, and has made him the dupe to hide his own criminality; and relates a variety of circumstances relative to the imposition practised on him.

29.—The moonshee positively denies that the documents produced are those which he wrote out; those he affirms differs both in tenure and form; they were both indited on one piece of paper, and the razeenamah for the stone designated him only as the agent of Calleechurn in the purchase. The razeenamah presented to General Marshall, and now contained in the proceedings, makes the moonshee the sole purchaser, and contains no mention of Calleechurn. The concurring testimony of the witnesses who signed the document (excepting only Gunniesh, who is not forthcoming) proves, that only one paper was executed and attested by them; and a comparison of the hand-writing of the present documents with that of several perwannahs which Moonshee Mahomud Allee confesses he wrote, in Colonel Routledge's name, to certain thannadars of this district on the subject of supplies, the hand in which the acquittance of the slave girl is written entirely corresponds with the perwannah acknowledged by the moonshee, but the razeenamah does not; the latter document must therefore be a forgery, but by whom or for what purpose it was forged, all the attainable evidence does not suffice satisfactorily to elucidate. The moonshee alleges that the documents were not shewn to him by General Marshall at Cawnpore, and therefore he had not an opportunity of contradicting them.

30.—It may be conjectured that the razeenamah was forged either to fix the guilt of the transaction exclusively on the moonshee, by making him the principal, not the agent in the business, or with a view to obtain the surreptitious signature of Colonel Routledge to the razeenamah for the stone, when he conceived he was only signing the release for the slave girl; the colonel's signature is attached only to the release for the slave girl, not the razeenamah for the stone.

31.—I shall now proceed to notice the evidence; sixteen witnesses have in all been examined; seven of whom were formerly examined by General Marshall, three of those, the subadar, havildar and a sepoy, were witnesses to the paper, and members of the guard in which the plaintiff was confined; with some variation they depose, that they found the complainant in confinement when they mounted guard; that she remained in their custody, according to the subadar, three or four, to the others, five

five or six days. They differ as to which of the defendants first demanded the stone of the woman, but they agree in stating, that Calleechurn was the person who compelled her to acknowledge she had it, by reminding her of the stone she had previously displayed to his friends. They also concur in stating, that Calleechurn was the person in whose possession the stone was last seen by them, and in denying that the plaintiff told the story Calleechurn ascribes to her of the stone falling into the fire, and thereby losing its lustre and value.

32.—The other evidence taken by General Marshall, are Bindrabund, the plaintiff's attendant, who corroborates her story as far as he was privy to the facts, and to all appearance in a credible manner; Hurree Baboo and Mahush Baboo, whose evidence is immaterial, as relating only to circumstances which preceded the confinement of the plaintiff; and lastly, Doorgapershaud, late cutwaul of the bazaar at Kytah, who declares that the moonshee shewed him the paper on which the two agreements were written, and also the stone, which he declares was not the same as that shewn him in the court.

33.—The witnesses whom the magistrate examined in addition to those who were examined by General Marshall, are 1st. Sheodeen Sing, a havildar of the guard in which the plaintiff was confined, and a witness to the paper, whose testimony nearly coincides with that of the subadar and havildar of the guard, already noticed.

2dly.—Sheikh Soobhan Moohulladar, of the Kytah Bazaar, whose name is also attached to the paper, and who swears that he witnessed a farigh-kuttee, at the plaintiff's request; but all he knows of it is, that it bound her not to return to Kytah. He says, he did not see Calleechurn when the paper was executed, neither did he see or hear any thing of the stone.

3dly.—Mudaree, a cook to the mess of Colonel Routledge's battalion, and,

4thly.—Syphen, his wife, who lodged near to the hut where the plaintiff resided at Kytah, and were summoned at the instance of Calleechurn, apparently with the view to shew the miserable and defenceless manner in which she was lodged, and the improbability of her having with her in such a situation, so valuable an article as an emerald. They speak merely but to the bundle in which the stone was deposited, being left uncared for in this temporary and open chopper, in which the plaintiff had lodged.

5thly.—Sykjoo, a zemindar, in whose village the plaintiff slave girl was at first secreted, and whose evidence is immaterial, as having no reference to the confinement of the plaintiff.

34.—Mr. Wauchope conceiving that some light would be thrown upon the circumstances and reasons of the confinement of the plaintiff, from those native officers who were on guard when she was first placed under restraint, summoned them from Benares, where he learnt they were: a subadar and three sepoys belonging to Colonel Routledge's battalion appeared, but all the information we have been able to extract from them is, that the plaintiff was conducted to the guard by a bearer of Colonel Routledge, whose name they know not, and who conveyed the orders of the colonel for her confinement.

35.—Having thus completed my recapitulation of the complaint, defence and the evidence, it only remains for me to express my opinion, that a suspicion arises that the plaintiff was induced to part with a valuable emerald for one sereenugur rupee through terror and alarm, and that hunger and the other grievous indelicacies she was subjected to were obviously contemplated by Calleechurn as the means of reducing her to a compliance, as the only mode by which her existing imprisonment and sufferings could terminate; and that although both defendants are confessedly guilty of being instrumental to the imprisonment of the plaintiff, and the exaction of the precious stone, the value of which, as I have already observed, does not appear to have been materially exaggerated by the plaintiff, yet the guilt of Calleechurn appears to me in a much more heinous light than that of Moonshee Mahomed Allee. The incentive to, and object of the conduct of Calleechurn is clear and confessed, and all he seems to aim at, particularly in his first statement before General Marshall, is to show that the treatment he and his associates had suffered was such as to justify the confinement of the plaintiff and the extortion of the stone, supposing it to be an invaluable thing, which he in vain attempts to prove it to be by the unsupported story of its falling into the fire, which he put into the plaintiff's mouth. No such incentive appears to account for the conduct of the moonshee, and considering the obvious hostility which subsists between him and Calleechurn, and which could hardly fail to lead to his detection if he had profited by the transaction, together with his present destitute condition, consequent to his discharge from

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Colonel Routledge's service shortly after his return from Cawnpore, I am inclined to think that his guilt is confined to being the disinterested participator in an act which he could not but know was a criminal one.

36.—All the magistrate's endeavours seem to have failed to discover by whom and under what circumstances the glass bead was substituted for the emerald, nor do I see how that mystery can be further cleared up. The result of the present inquiry leaves the stone in the hands of Calleechurn, in the bungalow of Colonel Routledge; according to the account of Moonshee Mahomed Allee, it was last seen in his possession on his way to the bungalow by the majority of the witnesses. The defendants alone are privy to the production of the bead which was about to be sent to Cawnpore. Moonshee Mahomed Allee, before General Marshall, states his ignorance whether Calleechurn or Colonel Routledge produced it on that occasion. Before me he asserts, that when Calleechurn went into the colonel's bungalow to receive his orders, he carried the stone with him; Calleechurn avers before the general, that the moonshee was the depository of the stone. Before me he alleges, that when he went to receive his orders to go to Cawnpore, the stone was in the hands of the moonshee who was in conversation with the colonel.

37.—The law officer convicts only the prisoner Calleechurn of extortion and illegal imprisonment, and acquits the Moonshee Mahomed Allee; but the evidence establishing moreover in my opinion the fact against Mahomed Allee, this reference has become necessary to the superior court. This implication is indeed sufficiently established from the part he confesses to have taken in writing out the deed of compromise for the stone, as also in demanding it from the plaintiff; but, as I have before said, no sinister or self-interested motives appear, which could have influenced him either in the act of extortion or in the confinement of the complainant.

38.—It is hardly conceivable that the complainant should travel such a distance to complain to the Governor General without being driven by the anguish of disappointment, and from a firm confidence in the justice of the British law. This unhappy woman has been harassed and bewildered for a period of more than a year, searching for the redress which I trust the court will be able to afford to her, adequate to the injuries she appears to have experienced.

Allahabad, 19th Aug. 1816. I have, &c.

(signed) *R. Wynne*, Officiating Judge.

(A true copy.) (signed) *H. M. Turnbull*, Register.

MINUTE.—Under the circumstances stated in the foregoing letter, and in the inclosures submitted by Mr. Wauchope, the magistrate of Bundlecund, no further order on the subject of the trial alluded to in those papers appears necessary.

NOTICES of Slavery in Malwa, by St. John Malcolm, G.C.B. & K.L.S.

Extract, Bengal Political Consultations, the 7th July 1821.

Extract from Sir John Malcolm's Report on Malwa, dated the 11th February 1821.

Part Twelfth.

94.—Slavery in Malwa is chiefly limited to females, but there is perhaps no province in India where there are so many slaves of this sex. The dancing girls are all purchased when young by the nakins, or heads of the different sects, who often lay out large sums* in these purchases; female children and grown-up young women are bought by all ranks. Among the Rajpoot chiefs these slaves are very numerous, as also in the houses of the principal Brahmins; the usage however descends to the lowest ranks, and few merchants or cultivators with any property are without mistresses or servants of this description. Male slaves are rare, and never seen but with men of some rank and property, with whom they are usually the confidential servants.

95.—There are a variety of ways in which slaves are procured in Malwa; numbers date their condition from a famine or scarcity, when men sold their children to those who were able to support them, with the natural view of preserving the lives of their offspring, at the same time that they obtained means of protracting their own.

* They obtain advances from Sahokars, upon interest, like other classes

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own. A great number of the slaves of Malwa from Rajpootana*, where the excesses of the Mahrattas drove the inhabitants to exile, and to such distress as to be compelled to part with their children. But besides these sources of slavery, there are others of a more criminal nature.

96.—There are many instances of Rajpoots and men of other tribes, particularly Soandees, selling the children whom they have by their slaves, and who are deemed to be born in a state of bondage. This only takes place when the father is in distress, or when he is tempted by a large price. The sale, however, of the offspring of these women by other fathers than their masters is more common. The slaves bred (to use a term suited to their condition) in this manner are not numerous; but the further demand is supplied by the Binjarries, who import females into and from Guzerat† and other countries, which they usually pretend to have bought; and by the tribe of Gwarriah, who have been noticed as open and professed stealers of female children.

97.—When these slaves are bought, an inquiry is made as to their tribe, and the general answer (particularly from the Gwarriahs) is, that they are Rajpoots. The children are taught to make pretensions to high birth, and daily instances occur of whole families losing caste in consequence of their being too hastily credited‡. When persons of inferior tribes discover their daughters, or husbands their betrothed wives, in the house of Brahmins, which often happens, the latter are compelled to undergo long and expensive penances to recover the purity from which they and their family have fallen, in consequence of being defiled by intercourse with females so far below them. It is a remarkable fact, and one of the few creditable to the late community of the Pindarries, that among the numerous prisoners of all ages and sexes whom they took, though they employed them as servants, gave them to their chiefs, and accepted ransoms for them from their relations, they never sold them into bondage, nor carried on, like the Binjarries, a traffic in slaves.

98.—Females in Malwa, except in times of scarcity, or general distress, from any cause (when they are very cheap,) are sold from 40 to 50, to 100 and 150 rupees; the price is accordant with their appearance. They have been at times an article of considerable commerce, many being annually sent to the southward, particularly to the Poonah territories, where they sold high. This trade, which has of late years decreased, was principally carried on by the Mahratta Brahmins§, some of whom amassed great sums by this shameless traffic.

99.—Male slaves, it has been stated, are few in Malwa, and are generally treated more like adopted children than menials. The case is very different with females, who almost in every instance are sold to prostitution; some, it is true, rise to be favourite mistresses of their master, and enjoy both power and luxury, while others are raised by the success in life of their sons, but these are exceptions. The dancing women, who are all slaves, are condemned to a life of toil and vice, for the profit of others, and some of the first Rajpool chiefs and zemindars‖ in Malwa, who have from 50 to 200 female slaves in their family, after employing them in all the menial labours of their house during the day, send them at night to their own dwellings, where they are at liberty to form such connections as they please, but a large share of the profits of that promiscuous intercourse into which they fall, is annually exacted by their master, who adds any children they happen to produce to his list of slaves. The female slaves in this condition, as well as those of the dancing sets, are not permitted to marry, and often very harshly treated, so that the latter, from this cause and the connections they form, are constantly in the habit of running away. If discovered, they are always given up, provided the deed of purchase can be produced, which with them above all others, must be registered at the cutwall's chabootre at the period the slave is bought.

100.—It

* Marwar is the province from which the greatest numbers are obtained. In the famine of 1813-14, Ameer Khan formed in that country a battalion of children and youths of this class, 1,200 strong.

† Guzerat has, during the late troubled state of Malwa, drawn annually a large supply of female slaves, chiefly through the Binjarrees, from that province.

‡ Among the numerous females whom my efforts have recovered from slavery, several of low tribes have been discovered in the houses of Brahmins.

§ Benaick Pandit, a Carcoon Brahmin, who resided about twenty years ago as the chief government officer in Dhar, in the district of Bhersiah, made a large fortune by this trade. He used to send from fifty to sixty of these females every year to Poonah.

‖ The present Rajpoot zemindar of Taul, on the Chumbal, has at least one hundred and fifty slaves. The father of the present zemindar of Fourah, had at one time three hundred. The principal Brahmin ministers at the courts of Scindiah and Holkar, have from ten to fifty and sixty of these female slaves in their families. The rawul of Banswarrah has 200.

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100.—It is not the habit of the native governments of Malwa to take any cognizance of the punishment which masters inflict upon slaves, except such extend to their life, when they are responsible; they are in some cases cruelly treated, but this is not general; it is indeed against the interest of the master to do so, when there are so many opportunities of escaping from his authority.

101.—The state of Malwa for the last 30 years has been favourable to the species of slavery described, and that province is filled with the mixed progeny of these unfortunate women. This traffic must however now decrease, as the Gwarriahs and others who carried it on, can no longer steal or conceal children with that confidence of impunity which they had long done. A few years ago no man dared leave his own district to inquire after his wife and daughter; the whole country can be now traversed in safety; from this cause, and the discoveries of guilt that have recently been made, these stealers of women and children have taken alarm, while the restitution to their relatives of slaves, bought them at high prices, must deter future purchasers.

PAPERS relative to Slavery in Kumaon, 1824.

Extract of a Letter in the Judicial Department, from the Governor General in council to the Court of Directors, dated 14th September 1826.

W. P. Crim. Cons. 26th Feb. 1824. Nos 10 & 12.

57.—On the proceedings of the annexed date is recorded a letter from the commissioner of Kumaon, submitting a report on the state of the police, and on the administration of civil and criminal justice in that province, during the year 1823.

59.—We took measures to furnish the commissioner without delay with the form of proclamation approved by us, prohibiting the sale of wives and widows by their husbands, or late husband's family. We need not repeat the expression of our determination to put down so barbarous and hateful a custom.

Criminal, W. P.

Extract, Bengal Judicial Consultations, 26th February 1824.

N° 10. Extracts of a Letter from G. W. Traill, Esq. Commissioner at Kumaon, to Mr. Chief Secretary Bayley, dated 1st January 1824.

Agreeably to the orders of Government, contained in your letter of the 31st January 1823, I have the honour to submit a report of the state of criminal and civil police in this province, during the expired year 1823.

CRIMINAL.

CRIMES.	Total Number.	Convicted.	Acquitted.	Not Apprehended.	Under Examination.
N° 3.—Arson - - - -	1	1	—	—	—
6.—Selling slaves - -	4	3	1	—	—

Complaints of a trivial nature.

	Number.	Proved.	Dismissed.	Withdrawn or Nonsuited.	Pending.
N° 10.—Complaints regarding sale of Females	168	19	67	78	4

N° 3, Arson.—This offence appears to be rare in the hills. The present instance evidently originated in the uncivilized character of the perpetrator; sold by his parents at an early age to a Bhotrea; but became tired of his bondage, he demanded his release on payment of the money originally advanced for him; the claim being refused, he in the first instance carried off a quantity of property, which he buried in the snow, with the view of compelling a compliance with his demand; as this

this measure did not produce the intended effect, he set fire to his master's house, which with nearly twenty other houses in the village, was burnt to the ground. Bengal Papers: State of Slavery in Company's Territories.

N° 6.—Requires no particular remark.

N° 10.—In my former report of the 21st July 1822, transmitted to Mr. G. Glynn, commissioner under Regulation X. of 1817, I took the liberty of suggesting the expediency of some public prohibition against the sale of wives and widows by the husband or their heirs; I was subsequently directed to submit a draft of a proclamation to that intent, which was accordingly furnished to the Nizamut Adawlut on the 15th March 1823. No further orders have been since received. The number of applications to the court in cases of this kind as here exhibited (168), adds weight to my former recommendation; a penalty or fine equal to double the amount of the purchase money might be enacted against such practice. Pars. 27 & 28.

The cases dismissed are, almost wholly, claims founded on purchases of this nature, made since the introduction of the British government.

The total number of persons sentenced to imprisonment from the 1st of January last has been thirty-eight, for the undermentioned offences.

Selling slaves - - - - - - - 6

Extract Letter from Mr. Chief Secretary Bayley to G. W. Traill, Esq. Commissioner at Kumaon; dated 26th February 1824. N° 11.

3.—With reference to the remarks offered by you on the expediency of issuing a proclamation against the sale of wives and widows by the husbands or their heirs, I am directed to transmit to you the accompanying copy of a letter from the register of the Nizamut Adawlut, dated the 4th April 1823, and of the orders issued by government in reply on the 5th June last. N°s 3 & 4.

4.—As those orders do not appear to have reached you, a reference will be made to the Nizamut Adawlut, in order that the omission may be supplied with all practicable expedition.

To the Register of the Nizamut Adawlut.

Sir:—I am directed by the Right honourable the Governor General in council to transmit to you the accompanying extract from a letter, dated the 1st ultimo, from Mr. Traill, the commissioner in Kumaon, and to observe, that the draft of the proclamation adverted to in that extract was approved by government, as communicated to the court in my letter of the 5th June last; and that the court were requested to instruct Mr. Traill, through the provincial court for the division of Bareilly, to give due publicity to the proclamation throughout the tract of country under his superintendence. N° 12.

2.—It is probable that the instructions in question have been accidentally mislaid, and it seems desirable that the provincial court at Bareilly should be immediately furnished with a duplicate of them for Mr. Traill's information and guidance.

I have, &c.

(signed) *W. B. Bayley*, Chief Secretary.

Council Chamber, 26th February 1824.

Reports of Cases adjudged in 1812.—Nizamut Adawlut.

Prosecutor,—Cullub Ally Mokhtar, on the part of Mussummaut Sahib Jaun.
Prisoners,—Chumelee, slave girl, aged 25, and Nuseem Hubshee, slave boy, aged 12. Trial 6.

Charge,—Theft.

City of Patna.—A. Welland, Circuit Judge, Nizamut Adawlut y Burges, July 3, 1812.
By the Mahomedan law, hudd, or the prescribed punishment for larceny, is not incurred by a slave stealing or assisting to steal the property of his owner; but he is liable to discretionary punishment for breach of trust.

About the 2d of March 1812, Mussummaut Sahib Jaun missed the sum of 114 rupees; the prisoners, who are her slaves, having absented themselves two or three days before the loss was discovered, were suspected of being the thieves. Being interrogated, the first prisoner is said to have confessed her guilt, and to have implicated her companion. The prosecutor deposed, that Chumelee admitted having stolen the key of the money chest from under the pillow of her mistress, and having given it to Nuseem Hubshee, who took out of the chest the sum that was missed, of which he gave her 100 rupees, retaining 14 for himself; that Chumelee confessed further having deposited her share of the booty with a person named Mirza Jaun, but that this person, when required to restore the money, denied ever having received it. The prisoner, Nuseem Hubshee, it was stated by two witnesses, had made a verbal confession of having opened the chest and taken out the money. The prisoners admitted before the magistrate that they had made their respective confessions voluntarily;

tarily; but on their trial before the court of circuit, they alleged that they had been tutored. The law officer of the court of circuit declared in his futwa, that there existed no proof of the exertion of undue influence in obtaining the confessions of the prisoners: that the former of them (Chumelee) being the slave girl of the owner of the property, could not be sentenced to the prescribed punishment of surka (larceny), but that in consequence of her kheanut, or breach of trust, she was liable to discretionary punishment by tazeer; the futwa further stated, that the prisoner Nuseem was convicted of being an accomplice in theft; that in consequence of his not having attained the age of maturity, a sentence of tazeer could not be passed; but that with a view of deterring him from similar practices in future, he should not be discharged without reproof and admonition. The judge in circuit did not concur in opinion with his law officer, considering the slavish subserviency of the prisoners to the will of others, and their readiness to admit whatever was required of them, he did not attach any weight to their confessions. He was not inclined to give credit even to the story of the money having been stolen at all, for it was stated by the prosecutor, that the chest from which it was taken contained altogether 1,500 rupees, and that his client was continually drawing from it small sums for her expenditure, of which no written account had been kept. The judge also thought it probable, that, had the theft been committed, the prisoners would have left the village, and made off altogether with the booty; under these considerations he was of opinion that they should be acquitted and released. The law officers of the Nizamut Adawlut delivered a futwa similar to that given by the law officers of the court of circuit, but assigned as a further reason for not considering the offence of the prisoner Chumelee to be larceny, the circumstance of her not having with her own hand opened the chest, and taken the money; her confession (the only evidence against her) merely implicating her as a receiver. The court of Nizamut Adawlut not being satisfied with the conviction of the prisoners, directed that they should both be immediately discharged.

Reports of Cases adjudged in 1817.—Nizâmut Adawlut.

Prosecutrix,—Moossummaut Punchum.

Prisoners,—1. Sheik Mudaree, Mahomedan, aged 28 years.
2. Sumboo Manjee, Hindoo fisherman, aged 25 years.

Charge,—Kidnapping a female child.

Trial 6.

The prisoner Sheik Mudaree was charged with having kidnapped and offered for sale Moossummaut Goomaree, daughter of the prosecutrix, a girl aged eight years; Sumboo Manjee of having aided and abetted him. The prisoners pleaded, "Not guilty."

The prosecutrix stated, that she was employed by Sheik Budeen to nurse his child; that her daughter went out one day to play in the haut of Huckmaree, which is on the banks of the river Lohaee, about 75 bubits from the house of Sheik Budeen; that, as the girl did not return in the evening, she searched for her, but without success; that she heard nothing of her till she was summoned to Jureedpoor by the magistrate, when she found the prisoners and her daughter.

The prisoner Mudaree confessed at the Thannah, that he hired a boat belonging to Sumbo Manjee to take a letter to Chilcote, that having arrived at the Ghaut of Kakinaree, he went into the haut and purchased some articles of food, and carried off the girl Goomaree to the boat without permission of her parents; that he proceeded to the bunder of Manikgunge, where he came to, and that he agreed to sell the girl to Peer Khan, jemmadar of the Thannah of Manikgunge. When examined before the magistrate, he declared that the mother of the girl gave her to him to sell, but could not recollect the mother's name. On his trial he denied the confession made at the Thannah, but acknowledged the one made before the magistrate.

The prisoner Sumboo Manjee stated at the Thannah, and before the magistrate, that Mudaree having hired his boat, took him first to Hukmaree, where he landed, and returned with the girl Goomaree; that on his remonstrating with him, he (Mudaree) told him it was no business of his, and desired him to proceed; and that he proceeded till they came to Manikgunge, where Mudaree went away with the girl, leaving him with the boat at the ghaut.

The confessions of the prisoners were fully proved by the evidence of the attesting witnesses, and corroborated by the examination, without oath, of the girl Goomaree, to whom the oath was not administered on account of her tender age (eight years,) and her apparent ignorance of the meaning of an oath. She had been playing with other children, and that they having been taken home by their friends, she was left alone,

alone, when Mudaree asked her to come to his boat, and on her refusal, he carried her off; that on the second day they arrived at Manikgunge, where he was about to sell her to Peer Khan, jemmadar, as his sister, but that she applied to the Darogha, who apprehended Mudaree and Sumboo, and sent them to the magistrate.

The fact of the attempt to sell the girl was clearly established by the depositions of Peer Khan, Jemmadar, Shahabodeen, and other witnesses, whence it appeared, that having arrived at the ghaut of Manikgunge, Mudaree offered to sell the girl, calling her his sister, to Peer Khan the jemmadar of the Thannah for 15 rupees; that Peer Khan desired him to give a regular deed of sale, and having occasion to go away on duty, gave rupees 14. 8. to Shahabodeen, desiring him to get a deed of sale from Mudaree, and to take him to the Darogha to have it witnessed, and after that was done, to pay the money to Mudaree as the price of the girl, eight annas being deducted for stampt paper; that when they all went to the Darogha, the girl, who had told the jemmadar she was the sister of Mudaree (from fear probably,) told the Darogha that she had been kidnapped; on which the Darogha caused both prisoners to be taken into custody. Mudaree attempted but failed to prove, that the mother of Goomaree desired him to sell her.

The futwa of the law officers of the court of Circuit convicted Mudaree on strong presumption (ghalebezun) of kidnapping Moossamut Goomanee, and offering to sell her, and declared him liable to punishment by tazeer. Sumbo Manjee, against whom nothing further was considered to be proved than that he lent his boat to Mudaree for hire, was acquitted by the law officer.

The judge of Circuit concurred with the futwa as far as it related to the crime of Mudaree, and recommended a punishment of ten stripes of the corah, and imprisonment for three years; but considering Sumbo in the light of an accomplice, referred the trial to the Nizamut Adawlut.

The law officers of the Nizamut Adawlut convicted both prisoners on violent presumption—Mudaree, of having kidnapped Goomanee, daughter of the prosecutrix, and of offering to sell her afterwards, and Sumbo Manjee of concealing his knowledge of the kidnapping, and of aiding in the intended sale; and declared them liable to discretionary punishment by akoobut to the extent of their respective crimes

The court fully concurring in the futwa, sentenced Sheik Mudaree to receive thirty stripes with a corah, and to be imprisoned with hard labour for seven years, and Sumbo Manjee to imprisonment with hard labour for two years.

(signed) *J. F. M. Reid,* Preparer of Reports.

Prince of Wales Island Papers.

A MEMORANDUM of the period on which Prince of Wales Island came under the Dominion of the East India Company.

Pulo Penang, since called Prince of Wales Island, was ceded to the East India Company by the King of Queda in the year 1786. The treaty was negotiated by Captain Francis Light.

By another treaty with the King of Queda, negotiated by Sir George Leith in the year 1800, the Company became possessed of the tract of sea coast opposite to Pulo Penang, on the Malayan Peninsula, extending from Qualla Kurrian to the river side of Qualla Mooda, and measuring inland from the sea-side sixty orlongs.

Papers relative to the means employed to obtain Settlers on Prince of Wales Island, the introduction of Caffree Slaves from Fort Marlbro' to be employed as Cultivators, and of domestic Slaves in the families of some wealthy Mahomedans: also relative to the number, registration, and treatment of Slaves on Prince of Wales Island: 1786–1805.

Extract from the Proceedings of the Governor General in council of Bengal relative to Prince of Wales Island, the 2d May 1786.

Extract from a Letter from Captain Light to the Governor General in council, dated the 15th February 1786.

The King of Queda, who now solicits your friendship and alliance, and has sent by me a grant of the island of Penang, has annexed to the grant some requests, of which you have a copy, with explanations and remarks. (*Vide* Appendix.)

Prince of Wales Island Papers. State of Slavery in Company's Territories.

Minute.—Resolved, in consideration of the Board's favourable opinion of Captain Francis Light, his knowledge of the Malay language, and the high esteem in which he stands with the King of Queda and other Malay chiefs, that he be vested with the charge and superintendence of the island of Penang on the part of the Company, until their pleasure be known, or until further orders, and that he be furnished with a proper commission as commander of the Eliza, and superintendent of the island and harbour of Penang.

Resolved, That the following replies be given to the conditions required from this government by the King of Queda, which are to form a letter to him.

To the 5th Article.—All persons residing in the country belonging to the King of Queda, who shall become his enemies, or commit capital offences against the state, shall not be protected by the English.

APPENDIX.

N° 35. Extract from a Minute by the Governor General, recording several Papers relative to a proposed settlement in the Straits of Malacca.

Conditions required from this Government by the King of Queda.

N° 36. 5.—Any man in this country, without exception, be it our son or brother, who shall become an enemy to us, shall then become an enemy to the Honourable Company; nor shall the Honourable Company's agent protect them without breach of this treaty, which is to remain while sun and moon endure.

N° 37. Captain Light's remarks upon the foregoing requests of the King of Queda.

N° 39 to 40. 5.—This article comprehends the principal and almost only reason why the King wishes an alliance with the Honourable Company; and in the treaty must be worded with caution, so as to distinguish between an enemy endeavouring or aiming at his destruction or the kingdom, and one who may simply fall into displeasure with either the king or his minister. The Honourable Company should reserve the power of protecting all persons who take shelter under their flag, if not convicted of such crimes as shall by both parties be deemed unprotectable treason, murder, forgery, and any other as may be deemed necessary to include.

All slaves must be returned to their masters, for they are part of their property.

If any inhabitant run away from his creditors, and take shelter in Penang, his creditor, on making application to the resident, shall have the same power over him as if he still remained at Queda. The same privilege to be given to the inhabitants of Penang.

Any servants of the Honourable Company, European or Indian, deserting, shall be delivered up, and the resident may send an officer, either civil or military, who with two of the king's officers, shall be empowered to search for and seize all such deserters.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, the 6th April 1786.

Minute.—The Governor General lays before the Board the following query proposed to him by Captain Light, with his answer.

Query.	Answer.
People will come from Malacca, from the coast of Coromandel, and many other places, to settle at Penang; it will be necessary to grant them a proportion of land, and to establish a police for their security.	That would be proper.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, the 2d May 1786.

Extract from Captain Light's Instructions.

We are now to proceed to give you such instructions as in the present stage of this business appear necessary, previously to appointing you to the charge and superintendence of the Island of Penang, on the part of the English East India Company, with the entire command of all the forces, military and marine, and with the government of all inhabitants, whether European or Indian, who may reside

reside there, until the pleasure of the Honourable the Court of Directors shall be known.

We authorize you to receive all persons wishing to settle under our protection, and we direct that you furnish us with a plan for the internal government and police of the island; you will be particular in your advices respecting the number of the inhabitants; their increase, together with a list of arrivals and departure of ships, specifying the cargo of each, and their destination.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, the 9th October 1786.

Extract of a Letter from the Superintendent of Prince of Wales Island, to the Governor General in council, dated the 12th Sept. 1786.

I brought from Bengal three carpenters and eight labourers, Chinese, who are of infinite service to us; I have likewise hired eight Chinese from Queda, but they have been so long with the Malays, they have lost much of their native industry.

I most earnestly and humbly request your Honourable Board will, as soon as possible, send a reinforcement.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 13th December 1786.

Extract of a letter from the superintendent of Prince of Wales Island, to the Governor General in council, dated the 12th September 1786.

Our inhabitants increase very fast; upwards of 100, including women and children, are already come over from Queda. The king is so much alarmed that he has imposed a duty of 100 dollars upon every family leaving the place.

Extract of a letter from the superintendent of Prince of Wales of Island to the Governor General in council, dated 5th October 1786.

I request the favour of a further supply of 100 coolies, as the price of labour here is enormous, one-quarter dollar per day for one man. If they are husbandmen, the better; they then may be employed occasionally in cultivating the ground. N° 215.

Minute of the Governor General.

Requests of Mr. Light to be determined on by the board.

7th. One hundred coolies, if husbandmen, so much the better. N° 233.

Resolved,—That a proportion of artificers be sent to Prince of Wales Island. N° 234.

Resolved,—That the residency of Fort Marlborough be desired to furnish 100 or 150 Caffrees (volunteers if possible) for Prince of Wales Island; and that they be conveyed thither by the Ravensworth. N° 237.

The following letter is in consequence of the preceding resolution written; N° 355.

To Fort Marlborough.

Gentlemen,—Mr. Light our superintendent at the new settlement of Penang, now called Prince of Wales Island, having requested us to send him a number of people for the purpose of cultivating the country, and assisting at the works carrying on there and other public services, we desire that you will hold 150 Caffrees, volunteers if possible, in readiness to be sent there, from your presidency by the Ravensworth.

Fort William, 13th December 1786. We are, &c.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 22d January 1787.

Extract of a letter from the Governor General in council of Bengal, to the Superintendent of Prince of Wales Island, dated 22d January 1787.

We have directed the deputy governor in council to send you 150 Caffrees from Bencoolen, for the purpose of clearing and cultivating the country, and we shall desire the gentlemen at Canton to encourage the Chinese to resort to, and settle on Prince of Wales Island.

Prince of Wales Island Papers: State of Slavery in Company's Territories.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 27th July 1787.

Extract of a letter from Captain Light the superintendent of Prince of Wales Island, to the Governor General in council, dated Fort Cornwallis, 18th June 1787.

The Ravensworth arrived here in the evening of the 7th instant, and landed 126 Caffrees, many of them so old they are unfit for service. The gentlemen of Bencoolen did not send the least notice of the manner in which they were maintained there. I learn from Mr. M'Donald they were allowed drams, men, women and children, rice, buffalo meat, and money. I have allowed the men drams, but not the women or children; the whole a measure of rice, and 4 cash per day, which will amount to $3\frac{1}{2}$ dollars a month for each person.

Extract from the Proceedings of the Governor General in council of Bengal relative to Prince of Wales Island, 25th January 1788.

Reconsidered Captain Light's letter, dated 18th June, and recorded in consultation 27th July.

From the description of the Caffrees sent from Bencoolen to Penang, it appears to the Governor General in council that the gentlemen at that residency have rather consulted their own convenience in getting rid of a useless incumbrance, than a wish to promote the prosperity of Penang; but to discharge them would be, in fact, to give them up to beggary, or to starve.

Agreed, That Mr. Light be authorized to give their liberty to such as he may deem unserviceable, allotting to them at the same time some land, and a small proportion of their present allowances for support; or to adopt such other means to relieve the Company from this expense as he may deem more advisable.

Extract of a Letter from Captain Light, Superintendent of Prince of Wales Island, to the Governor General of Bengal, dated 7th October 1787.

A register is kept of all slaves bought and sold here, and of all transfers and sales of houses and lands.

The Honourable Company's slaves are employed sawing timber and cutting neebongs. They are more tractable than on their first arrival: they are allowed one seer of rice and one dram a day, and one Spanish dollar a month; the Tindals, $1\frac{1}{2}$ Spanish dollars. The sawyers and artificers to be rewarded according to their merit. They have sometimes a bullock. Serjeant Dorris is appointed their overseer, with a salary of ten Spanish dollars per month. The whole expense will not amount to more than three Spanish dollars per month for each person.

Extract from a Letter from the Governor General in council of Bengal to Captain Light, Superintendent at Prince of Wales Island, dated 25th January 1788.

18th June.—With respect to such of the Caffrees brought in the Ravensworth from Bencoolen as you think unserviceable, we recommend to you to give them their liberty, allotting to them at the same time some land, and a certain proportion of their present allowances for their support; but we do not intend this as a direction, and if other means should occur to you as more advisable to relieve the Company from the present heavy expense of maintaining the Caffrees. We leave it to you to adopt them, instead of those we have proposed.

Extract from the Proceedings of the Governor General in council of Bengal relative to Prince of Wales Island, 14th September 1787.

Extract from an Enclosure in Captain Kyd's Letter to the Secretary General, dated 8th September 1787.

Penang as yet can be said to have no inhabitants of its own, or even any but the servants of gentlemen and the followers of the troops that are firmly established. When it was first taken possession of by this government, there were a few Malay families, who subsisted by fishing and extracting of wood-oil and dammer, and who lived near the point where the fort stands, but have removed to another part of the island. One of these people (a very old man) gives an account of there having been,

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been, about thirty years ago, a great many inhabitants on the island (not less than three thousand), and that at one place it was well cultivated, which is evinced by the number of burying-places that are yet to be seen on a part of the island, which comprehends at least a space of three square miles, and which, from the clearness of wood, and from many fruit trees that are to be seen, and above all, from the appearance of inclosures and furrows, gives a convincing proof that the whole of that space has been recently in cultivation. These people having given themselves up to plunder and piracy, which disturbed the commerce of Queda, the king fitted out an armament, and expelled them from the island. It has always, however, been the occasional resort for piratical Malays, of whom there are a great many in the Straits of Malacca. The little of the woods that are cleared, and all the works about the point, has been done by the Lascars of the detachment, and by Malays, who come from the continent for the sake of high wages, and return again when their labour is no more wanted, or when they are no longer inclined to work; for there is no gain will induce a Malay to constant and unremitting industry: but in clearing the woods they are particularly expert, and whatever class of men it might be eligible to fix on the island as the cultivators and permanent settlers, the temporary services of the Malays will probably always be necessary in cutting down trees and clearing the woods.

Extract from the Proceedings of the Governor General in council of Bengal relative to Prince of Wales Island, 25th August 1788.

N° 1.—Extract from a Letter from Captain Light, the Superintendent of Prince of Wales Island, to the Governor General in council, dated Fort Cornwallis, 20th June 1788.

Since this accident, there has arisen no great occasion for the exertion of justice; the greater number of thefts have been committed by our own Caffrees, who seem to have been prepared by frequent practice for any punishment. The most noted offenders I have ordered to wear shackles, and to carry wood and water, under the charge of a sentinel. There are two or three hundred Malays continually here, who come from all parts to seek employment, and after having earned a little money, return to their families, when they are succeeded by a new set. Indeed, it is surprising to find so many strangers, who are not at all averse to thieving in their own country, conduct themselves with so much good order when here. I expected, from the exposed situation of the settlement, to have been very much troubled; but the Malays seem to be greatly civilized by their intercourse with this place, and familiarized to its government; they also find themselves interested in its preservation.

16.—The Honourable Company's supercargoes in China having sent here this season ten bricklayers and one labourer, under an engagement that they shall be kept in constant pay by the Company, I have employed them in building a store-room for the military stores, which they have completed in a most excellent and workmanlike manner; they are now employed in building a custom-house, which is much wanted, in order that every merchant may land and weigh his goods there, to the end that an accurate account of the exports and imports may be obtained. I shall afterwards employ them in building a warehouse for holding the Company's goods, which at present are exposed to considerable danger from fire in temporary godowns.

Prince of Wales Island Papers: State of Slavery in Company's Territories.

AN ESTIMATE of the Expense of the Settlement at *Prince of Wales Island*, payable there for one Year; viz. from the 1st May 1788 to the 30th April 1789.

CAFFREES:			
Wages of 129 Caffrees p' month	127 50 –		
Arrack and rice for d° for 1 month s^a r^s 345. 8.	164 92 –		
2 head of cattle	20 – –		
Wages of an overseer	10 – –		
	322 42 –		
Months	12 – –		
		3,869 4 –	
Estimated annual expense of clothing		350 – –	
			4,219 4 –
CHINA ARTIFICERS:			
Old establishment of bricklayers and carpenters		80 – –	
Gardener		15 – –	
10 bricklayers and 1 labourer sent this year by the supercargoes from China		28 – –	
		223 – –	
Months		12 – –	
			2,676 – –
BOMBAY ARTIFICERS:			
Provision money, s^a r^s 187	Sa Rs 2,244	or	1,025 – –
MISCELLANEOUS:			
8 Lascars for the Company's boats		24 – –	
An examiner of making prows	15 – –		
2 assistants	8 – –		
		23 – –	
A Malay writer		20 – –	
A cutwall		30 – –	
Medium charges of people confined in prison for crimes		20 – –	
		117 – –	
Months		12 – –	
			1,404 –
Spanish Dollars			9,324 4 –

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 14th September 1791.

Extract of a Letter from the Superintendent of Prince of Wales Island to Lord Cornwallis, dated 2d July 1791.

Par. 2.—Having found it expedient to conclude an agreement with the King of Queda previous to the receipt of your letter, a copy whereof is forwarded with my letter of 31st May, I have taken the liberty to make a few observations on the articles agreed on.

Articles.	Observations.
3d.—That all slaves running from Queda to Pulo Penang or from Pulo Penang to Queda shall be returned to their owners.	This article requires no explanation; it is for the mutual benefit of both parties.
4th.—All persons in debt running from their creditors from Queda to Pulo Penang, or from Pulo Penang to Queda, if they do not pay their debts, their persons shall be delivered up to their creditors.	This article requires no explanation; it is for the mutual benefit of both parties.

Par. 3.—I would propose, that if the King of Queda's allowance should be increased to 10,000 Spanish dollars per annum, I may be authorized to demand two further stipulations on his part.

1st.—That

1st.—That his ryots may not be restrained from coming to this island to seek for employment. This is of great importance as it is from their labour we have been enabled to cultivate so much land in a short time.

2d.—To have the liberty of purchasing or employing people to cut timber, attaps, rattans and necboons in an uninhabited forest near us.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 24th August 1792.

Extracts from a Report by Captain Light, Superintendent of Prince of Wales Island, to the Governor General in council of Bengal, dated 30th July 1792.

Par. 4.—I find it difficult to preserve a friendly communication with the Rajah of Queda. By the 3d article of the late treaty with him all slaves belonging to either places are to be returned. The term slave can only be applied to a person legally sold, or one condemned to slavery for crimes. The king extends it to such people as have taken refuge in his country from war, or famine, and to debtors to his merchants; several of these people, not natives of Queda, but Burmen and Chooliars, have come over with their families and demanded protection; the king sent to demand them as slaves, I have not refused giving them up, but as they cannot be prevailed upon to return, being assured to suffer death, I have endeavoured to persuade the king to use gentle methods, as the only means to engage them to return.

Par. 9.—Soyad Hussain and Soyad Jaffer, two Malays of Arabian extraction, and of considerable property, with very large families, are come to reside here; they are importunate to obtain a written declaration of the laws they themselves are subjected to, and a license to govern their own families, slaves and dependents with an independent power, and in all cases to be judged by the Mahomedan laws; and that if they found their residence here inconvenient or disagreeable, they might, without molestation, depart with their families. This was a matter of long debate before they would resolve to remain here. I do not think myself authorized, without the approbation of your Lordship, to execute a compact of this moment; I represented to them the impropriety of any subject having an entire independent authority; that a reasonable, and as far as the general welfare would permit, an independent authority would be allowed them over their families and dependents, that their religion, laws and customs would be undisturbed, and that they might inflict any punishment upon their children and family, excepting mutilation or death; if the crime committed was of such magnitude as to require more than a whipping, the culprit should be committed to prison and tried by the laws of the island; that if the case concerned one of their people, and one of the inhabitants, or if any of their people committed a public breach of the laws, they should be tried publicly; that they and their families might quit this island whenever they thought proper. The pride of the Soyads, who boast of being descendants of the Prophet, will not allow them to submit to any authority but their own; they are so much respected by the Malay princes, that their persons are held too sacred for punishment; the only chastisement they inflict on them is either a fine or dismission from their country. They trade duty free, and for the life of a slave they would think themselves degraded to give an answer. Their jealousy is extreme; should any man be found in private converse, or in the apartment of the women, his death would be inevitable; this is the motive, though not mentioned, for their demanding a written contract, to preserve their persons from being brought before a court of justice. A medium rule may be drawn, which will prevent these people from yielding to sudden and excessive gusts of passion, without offence to their religious character.

Par. 10.—I have appointed hakims, or notaries, to keep registers of marriages, births, deaths, slaves and sales of land and houses; they are imperfect at present, but by degrees will become regular and prevent much litigation.

Extract, Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 7th December 1792.

The following dispatches have been received this morning from Prince of Wales Island, by the country Ship Eliza.

Prince of Wales Island Papers: State of Slavery in Company's Territories.

N° 3.

Extract, Letter from Francis Light, Esq. Superintendent of Prince of Wales Island, dated 12th November 1792.

Par. 3.—The primary intention of government in forming this settlement being somewhat changed. the objects that remain and are at present in view I apprehend to be comprehended under the following heads:

4.—1st. To fill the island with inhabitants, and from their industry to provide provisions, refreshment and succour for shipping.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 12th August 1793.

Extract from a Letter from the Secretary to the Bengal Government to the Superintendent of Prince of Wales Island, dated 12th August 1793.

I am directed by the Governor General in council to reply to such paragraphs of your dispatches during part of the last and present year, as appear to require any decision upon them, having previously made you acquainted with his Lordship's sentiments and orders upon the agreement which you concluded with the King of Queda on the 1st of May 1791.

Agreement with the King of Queda.	Observations and Orders.
3d.—All slaves running from Queda to Pulo Penang, or from Pulo Penang to Queda, shall be returned to their owners.	3d.—This article, abstractedly considered, must be advantageous to both parties; but if it be used for any oppressive purpose, it will be deprived of its chief value on this head, therefore it will be proper to annex to the treaty a declaratory article, specifying precisely the class of persons coming in future under the description of slaves; and his Lordship in council is pleased to desire that you will receive the term in the most confined sense, as well because the doing so will tend to increase the population of the settlement under your superintendence, by affording an asylum from the oppression of the Queda government, as because, if the expression were taken in the sense given to it by the Empetuan, it might injure, and could not serve the settlement at Prince of Wales Island. It is imagined that his rights cannot suffer by the declaratory article I have mentioned, as others in the agreement have provided for the surrender of all persons charged with treason, murder or forgery, and of those who have fled from their creditors.

Police.

Captain Light's Letter, dated 30 July 1792.

399.

Par. 9.—The Governor General in council approves of your answer to the claims of the two Malays, Soyad Hossain and Soyad Jaffer, who went to Prince of Wales Island for the purpose of residing there with their families. These were to obtain a written declaration of the laws they themselves were subjected to, and a licence to govern their own families, slaves and dependents with an independent power, and in all cases to be judged by the Mahomedan laws.

The degree of liberty which is consistent with the welfare of the society in which he resides belongs to every individual, but an exemption of the nature required in the application of the Malays, relative to instituting a sort of arbitrary domestic police, is repugnant to reason and subversive of the rights of society.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 19th January 1795.

N° 1.

Extract of a Letter from Mr. Philip Manington (who succeeded to the superintendency of the Island on the death of Captain Light) to the Governor General in council, dated 11th December 1794.

Par. 3.—The Honourable Company's slave Caffrees, that came from Bencoolen seven years ago, are not to this day brought upon the books. I have had a muster of them as per list enclosed, have ascertained their age, and have fixed a valuation on each. I shall be glad to have your instructions if they are to be brought on the books as the Company's property or not, most of them are old, infirm and incapable of work.

REVIEW ROLL of the Honourable Company's CAFFREE SLAVES, Prince of Wales Island, 29th November 1794.

NAMES.	Age.	Valuation.	EMPLOY.
TINDALS.		Sp. Dr.	
Yockwood -	50	40	Repairing Roads.
Bombay - -	40	30	Do
Boherra - -	45	35	Do
Sangoolah -	30	50	Do
Friday - -	20	50	Attending the Hospital.
MEN.			
Lewis - -	30	50	Repairing Roads.
Pindy - -	45	35	Do
Jack, 1st - -	25	45	On Mr. Light's ground.
Mackadam, 1st -	40	40	Do
Marrack, 1st -	40	40	Do
Commiss - -	42	40	Attending the Europe Barracks.
Muftah - -	25	50	Do
Malingurrah -	50	30	Sick in the Hospital.
Massariah -	28	45	On the Signal Hill.
Timpoh - -	35	50	Repairing Roads.
Onlough - -	35	40	Do
Jack, 2d - -	36	40	Do
Philip - -	28	45	On board the Galley.
Tom - -	30	45	Repairing the Road.
Narrakee - -	40	40	Do
John - -	50	30	Do
Lulembing -	50	30	Do
Gorah - -	28	45	At the Flag Staff.
Sallamen - -	42	30	Do
Muckadam -	35	40	Repairing Roads.
Lirie - -	50	25	Do
Chimbrouchy -	42	35	Cutting Firewood.
Tonnony - -	50	25	Repairing Roads.
Martin Linch -	40	40	Attending the European Barracks.
Muftah - -	32	45	Do
Juba - -	- -	- -	On board the Drake.
Tuckall - -	30	45	Repairing Roads.
Mussalick -	50	25	With Mr. Layton.
Frank - -	30	40	On the Signal Hill.
Mohumbo -	35	40	Do
Mattiff - -	50	25	Cutting Firewood.
Jaum - -	33	40	Repairing Roads.
Marrack - -	30	40	Do
WOMEN.			
Kitty Keek -	35	20	Unable to work.
Minty - -	35	30	Repairing Roads.
See France -	35	30	Attending the Hospital.
Polly - -	25	40	Repairing the Roads.
Jefferam - -	32	35	Do
Callapillah -	44	25	Do
Ademy - -	44	25	Do

NAMES.	Age.	Valuation.	EMPLOY.
WOMEN.		Sp. Dr.	
Mama Greasa -	40	25	Repairing the Roads.
Chulcha - -	45	20	With Lieut. Markalister
Wannakee -	45	20	Unable to Work.
Sally - -	30	20	Do
Amflate - -	25	20	Do
Tavo - -	45	20	Do
Conny Highen -	35	20	Do
Bullah - -	45	20	Sick in the Hospital.
Saltamah -	42	20	Repairing Roads.
Ramnanah -	40	20	Do
Nanny - -	22	40	Do
Bonny - -	40	25	Do
Saltamah -	33	30	Do
Thomasa - -	33	30	Sick in the Hospital.
Sellevah - -	40	20	Sweeper.
Allin - -	40	20	Sick in the Hospital.
Maria - -	40	20	Do
Betty - -	44	20	With Mr. Layton.
Ririe - -	44	20	Repairing Roads.
Shehimbo -	44	20	Attending the Hospital
Chetterah -	36	20	Repairing the Roads.
Sallamah - -	44	20	Sweeper.
Adea - -	36	20	Repairing Roads.
Bootie - -	44	20	Sweeper.
Kentily - -	25	30	Repairing Roads.
Chelsaro - -	54	20	Unable to Work.
Sosa - -	33	30	Do
Wangah - -	32	30	Repairing Roads.
Paddy - -	33	30	On the Signal Hill.
Mary - -	40	20	Sweeper.
Chillah - -	36	25	Repairing Roads.
BOYS.			
Jack - -	9	-	On board the Drake.
Tintimdare -	9	- -	Unable to work.
Young Tom -	2	- -	Do
GIRLS.			
Young Lee France	6	Mr. Light promised that persons born on the Island should be free.	Unable to Work.
Young Polly -	8		
Fatemnah -	4		
Young Sally -	1½		
Armemah -	5		
Minty - -	1		
Young Sosa -	2	- -	with Mr. Young
Kitty Keeh -	4		
Lucy - -	14		
Fanny - -	9		

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, 13th February 1795.

Extract of a Letter to Mr. P. Manington, Acting Superintendent of Prince of Wales Island, dated 13th February 1795. N° 9.

1.—We have received your Letter of the 11th of December, with the several enclosures mentioned therein.

9.—Under the description contained in the 3d Paragraph of the Slave Caffrees brought from Bencoolen, we can only consider them as objects of charity, and as such they ought not to be brought upon the books as public property. 15.

Extract from the Proceedings of the Governor General in council of Bengal, relative to Prince of Wales Island, the 8th June 1795.

Extract of a Letter from the Superintendent of Prince of Wales Island, to the Governor General in council of Bengal, dated 13th May 1795. N° 1.

Your orders respecting the Company's Caffree slaves shall be attended to; and in the mean time such as are able to work shall be employed in whatever is useful in the Settlement.

Extract, Bengal Law Consultations, 16th December 1796.

The following Papers, bearing the signature of the Superintendent of Prince of Wales Island have been received without a letter.

RETURN of CAFFREE MEN and WOMEN SLAVES.—Fort Cornwallis, Prince of Wales Island, 31st October 1796.

NAMES.	Supposed Ages.	REMARKS.
MEN.		
Arcooty	40	
Massavoy	34	
Bombay Jack	60	Infirm and unfit for labour
Muckadam, 1st	40	Sick in Hospital.
Muckadam, 2d	36	
Jemm	25	Sick in Hospital.
Timpo	23	
Tom	30	
Burrack, 1st	45	Sick in Hospital.
Burrack, 2d	26	
Philip	25	
Friday	26	
Gorah	28	
Boherah	48	Infirm and unfit for labour
Sleembinnie	56	Sick in Hopital.
Songolah	30	
Lewis	46	
Nariquey	30	
Jack	28	
Mussootekey	62	Infirm and unfit for labour
Moftah, 1st	34	
Moftah, 2d	36	
Soloman	44	
Muttalingeech	35	
Labowah	60	
Mohimba	40	
Antyia	42	Sick in Hospital.
John	50	
Tuchall	40	
Chimbyouche	42	
Chimatiff	59	Infirm and unfit for labour
Pindy	50	
Fanswney		
WOMEN.		
Katkey	30	
Mangty	29	
Kellampelah	34	
Iaphram	30	
Sally	26	
Wannachev	34	Sick in Hospital.
Mary	32	
Annefah	25	
Mongruria	43	

NAMES.	Supposed Ages.	REMARKS.
WOMEN.		
Salamah, 1st	50	
Salamah, 2d	28	
Salamah, 3d	63	Infirm and unable to work.
Bohney	40	
Sousah	32	
Connahiah	30	
Chenshauk	50	
Betty	58	Infirm and unable to work.
Boungah	40	
Addeah	41	
Allen	40	
Rhivoo	52	Infirm and unable to work.
Cheeleah		
Bootee	53	Infirm and unable to work.
Tamassiah	36	
Nannee	30	Lent to Mrs. Glass.
Paddee	30	
Polly	26	
Lahemboo	40	
Sittarah	30	
Lucy	22	
Romanah	30	
Andahmy	38	
Marreah	35	
Sapraunce	30	
BOYS.		
Harry	12	
Tom	4 years	
Massaboy	1 d°	
Tempoo	8 months	
Yangooloo	7 d°	
GIRLS.		
Sally	3 years.	
Sousouh	4 d°	
Amanah	8 d°	
Saprance	9 d°	
Katkey	7 d°	
Fatimah	7 d°	
Lucy	3 months	
Fanny	13 years	Lent to Mrs. Lucas.
Polly	14 d°	With Mrs. Page.

ABSTRACT:—MEN.

Fit for any work	5
D° for moderate work	18
Unfit for work	4
Sick in hospital	5
D° in quarters	1
TOTAL	33

(Signed) *Lewis Ross Macdonald*, Supt.

Extract, Bengal Public Consultations, 28th January 1802.

Prince of Wales Island Papers: State of Slavery in Company's Territories.

Judge and Magistrate of Prince of Wales Island, to the Chief Secretary to Government at Fort William.

N° 47.

I request that you will be pleased to lay the enclosed papers before his Excellency the Most Noble the Governor General in Council.

I have the honour to be, &c. &c.

(signed) *John Dickens*, Judge and Magistrate, &c.

George Town, Prince of Wales Island, 1st January 1802.

To his Excellency the Most Noble Richard Marquis Wellesley, K. B. Governor General in Council, &c.

N° 48.

My Lord Marquis:—In a case which lately came judicially before me, a question arose, "Whether civil slavery, that is, a right in one man, over the person and fortune "of another, were to be considered as established at Prince of Wales Island."

2.—I was not ignorant, that slavery, limited and unlimited, has been here tolerated. I know that emigrants, both from the Malays, Peninsula, and from the Eastern Islands, who had become inhabitants of Prince of Wales Island, have been permitted to retain in slavery those whom they had brought as slaves to this place. Some of these, indeed, are in utter slavery, while others are only in limited servitude. The latter is the condition of those who are styled slave debtors, and these are people that voluntarily became slaves to their creditors till their debts are paid.

3.—But all this passed, *sub silentio*; for after careful search, I have not found any regulation of the local government, or any order from the Governor General in council, authorizing the establishment of slavery, limited or unlimited, at Prince of Wales Island. This right, if any such in fact exists, rests therefore simply on an usage of fourteen years.

4.—Thus circumstanced, having no authority to guide my judgment, my delicacy increased in proportion to the interests on which I was called to determine; and in this case, subordinate to the question of civil slavery, arose two other questions. The 1st. a question of fact, "Whether the father of A. ever had been a slave at Quiddah." The 2d, or question of law, "What was to be the condition of A. now resident at "Prince of Wales Island, whether born of one parent, who was free, and of another, "who was enslaved, or born of parents who were both slaves, and now resident at "Prince of Wales Island."

5.—I was desirous of avoiding the determination of this case, and remitted it to the Lieutenant Governor; but in deference to his particular request, I gave my opinion that the evidence did not prove that the father ever had been a slave, but that it inclined to shew that the mother had been a slave at Quiddah, and I thought the son should follow the condition of his father; I was led to this opinion, from a consideration that it is the old law of villanage in England, and although I know it was contrary to the maxim of the civilians, *partes sequiter ventrem*, yet the latter authority had no weight with me; first, because slavery had not yet been established by authority at Prince of Wales Island; next, because I could not see any local circumstance requiring its establishment; and lastly, because a state of slavery is, in its own nature bad, neither useful to the master nor to the slave, nor to the state under which they live.

6.—The Lieutenant Governor, on the contrary, was of opinion, that the evidence proved both parents of A. were slaves, and under the regulations for the administration of justice on this island, ultimately decreed, that A. resident in this island, should be delivered up as a slave to Hakim Sullee, Captain Malay, resident also on this island.

7.—By this decree, slavery is now recognized, and established by the local government of this island, and therefore, in addition to the observations which heretofore I have had the honour of submitting to the consideration of your Excellency in council, I feel the necessity of representing, that regulations are now requisite, in which the right that a master is to possess over the person and fortune of his slave, at Prince of Wales Island, should be explicitly defined; and I hope that your Excellency in council, will take into consideration the case of the offspring of slaves, and particularly of those who are born of one parent who is free, while the other is a slave.

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8.- Nothing can be presumed on the moderation or justice of Mahomedans who possess slaves. By their usages, the virtue or honour of female slaves is at the mercy of their master. I could hope. that the right of the master, was by law expressly limited to the bounds of humanity.

9.—I have thus presumed to take up your Excellency's valuable time, in recommending this class of our inhabitants to your generous consideration; and I have no other apology to offer, than my conviction that the subject matter of my letter is of the first importance to the interests and prosperity of this rising colony.

10.—I have the honour of sending enclosed, a return of the present state of the jail, and with sentiments of profound respect and duty,

I have the honour to be, &c. &c.
(signed) *John Dickens*, Judge and Magistrate
of the Settlement at Prince of Wales Island.

George Town, Prince of Wales Island, 1st January 1802.

Ordered, That the following letter be written to the Judge and Magistrate of Prince of Wales Island, by the secretary:

To John Dickens, Esq. Judge and Magistrate at Prince of Wales Island.

N° 50. Sir:—I am directed by the Honourable the Vice President in council, to acknowledge the receipt of your letters of the 25th of October last and 1st instant, with the several enclosures stated to accompany them, and to inform you, that all your letters should be addressed to the Lieutenant Governor of the island, on whom it will depend, if he shall deem it proper, to transmit them to Government, with such observations as he may judge it to be necessary to submit respecting them.

I am, &c.
(signed) *C. R. Crommelin*, Secretary to Government,
Public Department.

Extract, Bengal Law Consultations, 27th December 1804.

Acting Lieutenant Governor of Prince of Wales Island to John Lumsden, Esq. Chief Secretary to the Government, at Fort William.

Sir:—Herewith I have the honour to transmit to you, to be laid before his Excellency the Most Noble the Governor General in council, an attested copy of the proceedings of a court held by me, as prescribed in the 15th paragraph of the regulations for this settlement, dated 1st August 1794, for the trials of persons charged with crimes of a capital nature.

I have the honour, &c.
(signed) *W. E. Phillips*, Acting Lieut.-Gov

Fort Cornwallis, Prince of Wales Island, 10th Nov. 1804.

Wednesday, the 3d October 1804

The court met pursuant to their last adjournment, at 10 o'clock, A. M.; and the Provost brought prisoner into court, Goolamie, who was committed to prison on the 24th of April 1804, by Robert Townshend Farquhar, Esq. Lieutenant Governor of the said island, charged with the wilful murder of a female person known by the name of Kitchie, as appears by the proceedings had before the acting coroner for the said island, following; that is to say;—

" Ayar Etam, 22d April 1804, Memorandum.

" On viewing the body of the deceased, Kitchee, we found it in such a putrid state that it was impossible to examine it, much less to have the body opened, and therefore cannot say that the said Kitchee died in consequence of the beating and kicking she received from Goolamie, as mentioned in the annexed depositions, or from sickness. As witness our hands.

Signed by *J. U.* " *A. Macintosh*, *Abdul Mromen.*"
(signed, " *John Brown*, Coroner."

" George Town, Prince of Wales Island.

" The information of Hoolooloo, (a Buggis woman, and who is the slave of one Inchey Garruff, of George Town aforesaid), taken by me, John Brown, acting coroner for the said town and island, who being charged to give evidence on the

part

part of Government, touching the death of a woman (a native of the Buggis country, known by the name of Kitchee, and who was also a slave of the said Inchey Garruff's) who was found dead in a house at Ayer Etam in the said island, which house is situated in a plantation, the property of Philip Manington of the said island. This informant saith, that on or about the 20th inst. April, between the hours of three and four o'clock of the afternoon of that day, this informant went to the house of a Bengal man, whose name is Goolamie, with the said deceased Kitchee, at Ayar Etam aforesaid, and with whom the deceased, Kitchee, cohabited, and at which house some words arose between the said Goolamie and the said Kitchee, in consequence of the deceased's asking the said Goolamie for a dollar; Goolamie refused to give her a dollar, and on Kitchee's repeating her request, he, Goolamie, took a stick and struck her, and kicked her in the back. And this informant saith, on her interfering, the said Goolamie beat her with the said stick with which he had beat Kitchee; upon which this informant ran away, and went to her house; and this informant saith, the deceased, Kitchee, was sick at the time of such kicking or beating, with a complaint in her bowels; and the next day, about 3 o'clock, a Bengal man of the name of Gurrobu Balla, came and informed this informant that the said Kitchee was dead. And this informant went to the house of the said Goolamie, and found that the said Kitchee was dead. And this informant further saith, that she desired the said Gurabee Balla to go and inform the Provost of what had happened; and further knoweth not.

" Taken by me, (signed) " *John Brown*, Acting Coroner."

" The 22d April 1804.

" The deposition of Gurebee Balla, a native of Bengal, taken upon oath before me, John Brown, acting coroner for the said town and island, this 22d day of April 1804, who being charged to give evidence on the part of Government, touching the death of a woman named Kitchee, found laying dead at Ayar Etam in the said island,—saith, that he is a gardener in the employ of Philip Manington, Esq. and works on his plantation at Ayar Etam, with three other Bengal men, also in the employ of the said Philip Manington, Esq. whose names are Goolamee Mahomed, Sophey and Ramgany; that on or about the 20th of this instant April, about five o'clock in the afternoon of that day, the deceased, Kitchee, with another woman of the name of Hoolooloo, came to the said house, where this deponent, Mahomed Sophey, and Goolamee were. Goolamee and the deceased had for some time cohabited together. The deponent heard Kitchee ask Goolamee for a dollar; Goolamee replied he had no money, and was angry with Kitchee, and took a piece of nubory and beat her, and desired her to go away; and she, the said Kitchee, did go away, but the other woman of the name of Hoolooloo remained behind in the house; and in about half an hour afterwards Kitchee returned, and went into the said house, where this deponent, Mahomed Sophey, and the said Hoolooloo were, and Goolamee followed her, and asked Kitchee for what she had returned, and he, Goolamie, kicked Kitchee several times with his foot in the small part of her, Kitchee's back, and she fell on the ground and cried out she was much hurt. And this deponent further saith, that the deceased, Kitchee, appeared to be in great agony from the kick she so received in the small part of her back, and Goolamee helped her, the said Kitchee, to the cot, and laid her thereon, and went and gathered some leaves and made a medicine, and gave it to her, Kitchee; this was about ten o'clock at night, and the deponent then went to sleep. The next morning the deponent arose about six o'clock, and then saw Goolamee giving medicine to Kitchee, who was still lying in the cot apparently very ill. The deponent heard Goolamee tell Kitchee that he was going to the town to get medicine for her. The deponent further saith, that Goolamee did not appear then angry with Kitchee; and about eight o'clock Goolamee left Ayer Etam and went to the town; and this deponent, Mahomed Sophey and Kitchee, were then in the house. After Goolamie had left Ayer Etam, Kitchee continued to get worse and worse; and the deponent observed to Mahomed Sophey, that he thought Kitchee would die, and that it would be proper to follow Goolamie to the town, and give information of what had happened; and Mahomed Sophey immediately left Ayer Etam for that purpose, and left him, the deponent, and the deceased, in the house. A short time after Mahomed Sophey left the house the deponent went into the jungle to look for his buffaloes, and on his return to the house, about three o'clock, he found the said Kitchee was dead, and this deponent went and called Hoolooloo, who came to the house.

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and the deponent returned with her, and remained there until about ten o'clock at night, when Mahomed Sophey returned; and this deponent, with the said Mahomed Sophey, came to the town, and informed the Provost of what had happened; and further this deponent knoweth not.

(signed) " with the mark of *Gurubee Balla.*"

" Sworn before me, *John Browne*, Coroner,
" the day and year before written."

" The deposition of Mahomed Sophy, a native of Bengal, taken by me, John Browne, coroner for the said island, who being duly sworn to give evidence on the part of the Government touching the death of one Kitchee, saith, That on or about the 20th instant, he was at Ayer Etam, where he worked in the plantation of Philip Manington, and lived in a house there with three other men, one of the name of Golamee, the others of the names of Gurulee, Balla and Ramgany; Golamee cohabited with the deceased Kitchee, who frequently came to the said house, but did not altogether reside there; Kitchee, with another woman named Hoorbaloo, came to the said house on the said day about five o'clock in the afternoon; Kitchee was very unwell and complained of a pain in her inside; some words arose between Kitchee and the said Golamee, concerning Kitchee's asking Golamee for a dollar, which he refused to give, and beat her with a stick, and afterwards kicked her in the back, on which she fell to the ground; Goolamee took her, Kitchee, up and laid her on the couch; the next morning Goolamee went to George Town to get medicine for Kitchee; Kitchee got worse, and Gurebu Balla desired him to follow Goolamee to the town, and give information of what had happened; the deponent saw Goolamee at the house of Jaffer Misty, near the first bridge in George Town, and Goolamee told this informant that he was going immediately up with medicine for Kitchee; the deponent desired that he would make haste, as Kitchee was worse; Goolamee went away, and about eight o'clock at night on the said 20th day of this instant April, he, this deponent, returned to his house at Ayer Etam, and found that Kitchee was dead, and that Goolamee had not been there, nor has he, the deponent, seen the said Goolamee since; and the deponent saith, that he and the said Guribu Balla came to the town, and informed the Provost of what had happened; and this deponent upon his oath saith, that he cannot tell whether the said Kitchee died in consequence of the beating and kicking aforesaid, or whether the said Kitchee died from sickness.

(signed) " with the mark of *Mahomed Sophy.*"

" Sworn before me, *John Browne*, Coroner,
" the year and day before written."

To Mr. John Browne, Coroner.

" Sir:—For the information of the jury on the body of a female Malay, I have to report as follows;—

The body must have been dead at least 24 hours; from the very putrid state of the body, it was impossible to say where the injury was given which was said to be cause of her death; a mark on the right side of the back, near the region of the kidney, had something like the appearance of contusion, but I cannot take upon myself to say it was, or if it was the case, that it (the contusion) was the immediate cause of her death.

I am, &c.

(signed) *G. M. Elmes*, Assistant Surgeon at the Hospital, George Town.

Ayer Etam, 22d April 1804.

And the said John Brown, Provost, now before this court, charged the said Goolamee, for that, on the 22d of April 1804, at Ayer Etam, in the said island, the said Goolamee, with force and arms, in and upon the said Kitchee, then and there, being feloniously, wilfully and with malice aforethought, did make an assault, and with a stick of wood, which he the said Goolamee then and there in his right hand held, in and upon the loins and back of the said Kitchee, did strike and beat; and also for that the said Goolamee, then and there with his foot, in and upon the loins and back of the said Kitchee, did kick and beat, giving to the said Kitchee, by the beating, striking and kicking aforesaid, several mortal wounds and bruises, and of which said several mortal wounds and bruises she the said Kitchee then and there died; and so the said Provost charges, that he the said Goolamee, the said Kitchee then and there feloniously and wilfully did kill and murder, against the peace, and so forth

This

This charge being explained to the prisoner, he pleaded thereto not guilty.

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And the said Provost, being now called upon to produce evidence in support of the said charge, represents to the court, that Gurrebee Balla is now without the jurisdiction of this court, so that he could not be summoned to be re-examined before this court; and that Hoolooloo is unable to attend through sickness, and that George Elmes, who examined the body, is not within the jurisdiction of this court, so that he could be summoned to be re-examined before this court, but that Mahomed Sophy is present in court; whereupon the said Mahomed Sophy being duly sworn, saith, that in the month of Moharin last (about five and a half months since), at Ayer Etam, in the said island, the witness lived in the same house with the prisoner; Gurubee Balla and Ramzang know nothing respecting the death of Kitchee, for whose murder the prisoner is now on his trial; that the said Kitchee was the slave of Gooster, the wife of Incher Garriff, and occasionally came to the said house as a common prostitute; and one day of the last Mohurrum, about five o'clock in the evening, the said Kitchee, with another woman named Hoolooloo, came to the said house to visit Goolamee, as she had done every three or four days for the two months preceding; and the witness saith, that from the appearance of the said Kitchee, as well as from her own declaration, that she had a pain in her bowels; he knows that the said Kitchee was at that time unwell. A dispute arose between Goolamee and Kitchee, on account of her refusing to go with him to the town to see the procession of the Mohurrum, unless Goolamee gave her, before she went, a dollar; and Goolamee thereupon ordered Kitchee to go away, and shoved her out of the said house, but without violence; about a quarter of an hour afterwards the said Kitchee returned to the said house, and Goolamee, the prisoner, was displeased with the said Kitchee, and gave her abusive words, and kicked her with his foot four times on the loins with some violence, and gave her with his open hand three or four slaps in the face; the said Kitchee was sitting on the ground, when the prisoner Goolamee kicked her as aforesaid, and on her being kicked, she fell on the ground on her side, and complained that she was much hurt, and desired the prisoner not to beat her any more; afterwards Goolamee got water, and washed Kitchee clear from the dirt on her body, and put her on the bed in the said house; the said Kitchee died during the next day; the witness saw the body of the said Kitchee about ten o'clock of the night of the next day, and it was cold. The witness cannot speak to the cause of her death.

The prisoner declined cross-examining this witness.

The Provost states, that he has no other witnesses to adduce in the support of the prosecution.

The prisoner rests on his plea of not guilty.

The court, having taken the evidence into their consideration, are of opinion, that the prisoner, Goolamee, is not guilty of the murder of Kitchee, with which he stands charged, and he is accordingly acquitted of the said charge.

(signed) *W. E. Phillips*, Acting Lieut. Governor.
John Dickins, Judge and Magistrate.
George Caunter, J. C. Assistant.

Extract of a Treaty concluded by Sir George Leith with the King of Queda, in August 1800, and confirmed by the Governor General in Council, in November 1802, for the Surrender to the Company of a tract of Land on the Queda shore.

Article 4.—All slaves running away from Purlies and Queda to Pulo Penang, or from Pulo Penang to Purlies and Queda, shall be returned to their owners.

5.—All debtors running from their creditors from Purlies and Queda to Pulo Penang, or from Pulo Penang to Purlies and Queda, if they do not pay their debts, their persons shall be delivered up to their creditors.

Extract of a General Letter from the Court of Directors to the Governor in Council of Prince of Wales Island; dated 18th April 1805.

Par. 60.—It is stated by the late Lieutenant Governor, that in 1801–2, there were 723 persons who possessed landed property, and that there were at that time upon the island above 1,200 slaves. We cannot authorize any encouragement being given to the introduction of slaves into the island; we could wish, that the clearing of the lands and the cultivation of the pepper and the spices should, as we understand they may, be carried on by free people. At the same time care must

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be taken, that slaves belonging to ships occasionally resorting to the island, and who may land for the purpose of obtaining their freedom, be delivered up on sufficient proof of their being the property of the claimants.

Extract of a General Letter from the Governor in Council of Prince of Wales Island to the Court of Directors; dated 12th November 1805.

Letter from the Court, dated 18th April 1805. (60.) Introduction of slaves not to be encouraged.

Par. 73.—It is estimated that there are from 1,200 to 1,400 slaves on the island, most of whom are employed in domestic purposes; a register is kept of their sale and transfer from one master to another, but there is not any tax or duty levied upon their importation. It would, perhaps, be good policy to impose a duty, as no inconvenience could arise were it entirely discontinued.

SUGGESTIONS for the Abolition of Slavery on Prince of Wales Island, submitted in 1805, by the Lieutenant Governor R. T. Farquhar, Esq. to the Governor General in Council of Bengal.

Extract, Prince of Wales Island, Public Consultations, 4th Oct. 1805.

Extract of a Letter from the Governor General of Bengal to the Lieutenant Governor, dated 27th September 1805.

It is understood that the system of slavery has been carried to a considerable extent at Prince of Wales Island, and that the number of male and female slaves now at that settlement is not inferior to five thousand. The toleration of this system cannot be necessary in India, where labour of every description can be performed by free men; and although the prejudices of our native subjects on the continent of Asia may there forbid the entire abolition of slavery, the same objection does not appear to be applicable to Prince of Wales Island, which has been settled within these twenty years.

31.—Under these circumstances, it is considered to be desirable, that at Prince of Wales Island the system of slavery should, if possible, be prohibited. His Excellency in council accordingly desires, that you will consult the best informed European inhabitants of the island, with respect to the means by which this measure can be accomplished without injury to individuals, and that you will submit your opinion in detail on this question for the orders of the Governor General in council, after you shall have had an opportunity of examining the subject with those who may be qualified to afford you accurate information regarding the effects of the abolition of slavery, as it would be contemplated by the Chinese, Malays, and other native settlers on the island.

Extract, Prince of Wales Island, Public Consultations, 17th Dec. 1805.

Extract, Letter from R. T. Farquhar, late Lieutenant Governor of Prince of Wales Island, to the Secretary to Government; dated 8th Nov. 1805.

Lastly, I proposed to recommend to the Board of Plantation the means of abolishing slavery at Prince of Wales Island, the great body of planters being, of course, materially concerned in this important point of reference.

I have the honour to transmit to you herewith, my ideas upon the best and most feasible method of annulling slavery in the shortest period in which that desirable object can be effected, without prejudice to individuals, or injury to the public interests of the settlement; but I recommend, that this measure be postponed until all the objects of the Board of Plantation, and particularly that of advancing small sums to industrious planters, for the encouragement of cultivation, can be carried into execution.

Enclosure in the foregoing.

N° 3.—On Slavery at Prince of Wales Island.

I recommend slavery's being abolished at Prince of Wales Island. It is the greatest of all evils, and the attempt to regulate such an evil is in itself almost absurd.

There was some excuse for using slaves in the West Indies, on account of the want of people, and Africa offered the readiest supply.

But there is no excuse for continuing the practice in India, a country fully peopled, and where cultivation and commerce can be carried on by free men.

But,

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But, as slavery has in some degree been sanctioned by the government of Prince of Wales Island, it would be unjust, without an equivalent to the proprietors, to declare slaves free.

Suppose then that a committee were appointed, and authorized to affix to each slave now on the island, a value at which his master should be obliged to liberate such slave, on tender of the amount.

Such as could not procure funds from their relations or friends, equal to the valuation, to become debtors, and serve the creditors, as now practised, under the following simple regulations:—

The lender to find the borrower, in lieu of his services, meat, clothes and lodging, good and sufficient.

If in chastising a borrower for any fault (without the authority of the police) the lender bring blood, the debt to be cancelled.

If the lender cohabit with any of the female borrowers, the debt to be cancelled.

No idleness in the borrowers is to add to the debt; but if dissatisfied, the lender may demand his money. Should the emancipated slave be unable to procure the money, the master may apply to the police, where the necessary inquiries will be made, and correction given accordingly.

The foregoing regulations would ameliorate the condition of those now slaves, and in time liberate the whole from debt, and give us from four to five thousand good subjects in place of useless sufferers.

This is an object worthy of government's attention in every point of view.

(signed) *R. T. Farquhar*, late Lieut.-Governor.

Extract of a General Letter from the Court of Directors to the Governor in Council of Prince of Wales Island, dated 18th Feb. 1807.

Letter from Prince of Wales Island, dated 12th November 1805.

73.—Discouragement of Slavery.

Par. 43.—We find by a reference to your consultations of the 4th October 1805, a letter recorded from the supreme government, recommending the abolition of slavery at your presidency; and on your consultation of 17th December 1805, we observe a plan submitted by the late Lieutenant Governor for effecting that desirable object, under date the 8th November preceding, neither of which are noticed in your advices, although the last letters received from your government are dated 20th March last.

44.—As the toleration of slavery cannot be necessary at Prince of Wales Island, where the population is at present extensive and is daily increasing, we consider it a subject deserving of your serious notice, and direct that every means be resorted to for effecting its immediate abolition, provided the public interests of the settlement are not materially injured; but even in that case, we conceive an early period may be determined upon for the entire emancipation of slavery at your presidency, from the date of which it ought by no means to be tolerated.

A Plan for the Abolition of Slavery on Prince of Wales Island, proposed by Governor Phillips in 1807.

Extract of a Letter from the Governor in council of Prince of Wales Island, to the Court of Directors, in the Public Department, dated 29th January 1808.

Letter from the Court, dated 18th February 1807, (Par. 43,) conceiving, that an early date should be fixed for the Abolition of Slavery.

41.—We have the honour to refer your Honourable Court to a minute recorded by Mr. Phillips on this important subject, and to the proclamation now under the consideration of government, intended to be published with the view of effectually abolishing slavery on this island; and as this important subject will be resumed by us at an early period, we hope to be enabled, by the next dispatch, to report to your Honourable Court, on the measure having been carried into execution, agreeably to your orders.

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Extract, Prince of Wales Island Consultations, 29th December 1807.

Mr. Phillips lays before the Board the following minute, viz.—

Minute by Mr. Phillips.—Although domestic slavery, as practised by the Malays, meliorates in a great degree the situation of the slave, as hitherto permitted on this island, when compared with that of the same class of people in other quarters of the globe, still slavery in its mildest form is degrading in the minds of Britons, and hitherto only tolerated as a means of drawing population to an infant colony, which from the now flourishing state of this island, is no longer necessary, therefore derogatory to our national character, and should in my opinion cease to exist; at the same time every reasonable consideration is due towards their proprietors, so as to remunerate the one without injustice to the other, or too suddenly interfering with ancient and authorized usages. This subject has, it appears, engaged the attention of the Honourable the Court of Directors, and they have more than once urged their government here to adopt the necessary measures for effecting so humane and honourable an object, as the personal freedom of a considerable proportion of their subjects; I have consequently felt interested in the cause, and made such inquiries as enable me to state, that there cannot be less than three thousand, men, women and children, in a state of bondage on this island, and that of this number, the families of Tunka, Pootry, Seied Hussein, the Pangavas Heirs, Maha Raja Stra, and Noqueda Byan, together possess nearly one-third of that number.

The gradations of local usages of slavery are various, and not minutely known at present to Europeans; it seems therefore eligible, that they should be developed by the cool investigations of an intelligent committee formed for the purpose, the result of whose inquiries into each particular class may be submitted to government, prior to the promulgation of any positive regulation, which, if hastily adopted, might, I apprehend, be too general to embrace the various shades of the existing evil, and engender alarm in the minds of the proprietors of slaves.

In this persuasion, I have drawn up and now submit a rough sketch of a proclamation, announcing in general terms the intentions of government with respect to emancipation, and directing masters to produce their claims on the persons of their alleged slaves within a twelvemonth, or to forfeit such claims in toto; these claims may be registered by the committee, who should be directed to class them for the information of government, to whom they may also be directed to submit their proposed means for freeing each class with the least pecuniary injury or domestic inconvenience to the proprietor.

My own ideas are, that the committee should place a value on each slave, as also a value on his annual labour, after deducting his maintenance, and having done so, that the slave should continue in bondage till the estimated value of his labour has reimbursed the master for his original cost. Should the slave deem himself ill treated, he may at any time sell the labour due to that master to one more mild, and who may be disposed to advance that sum to the original master. As the value of labour here is very high, and that of the slaves the reverse, I do not think I am sanguine in estimating that the greater part of these poor creatures would be free in two years from the date of their valuation. (signed) *W. E. Phillips.*

Christmas day, 1807.

Whereas the Honourable the Governor and Council have taken into their most serious consideration the evils and oppressions attendant on slavery, as hitherto tolerated to some extent at this presidency and its dependencies, and have come to the resolution that no further importation of slaves shall be permitted after the ——, and that from and after the 1st of January 1809, slavery, as now practised, shall cease and be abolished; but in order that this desirable object may be effected with as little private distress to proprietors of slaves as practicable, a committee will be appointed, to take cognizance of the claims of all such proprietors, and to frame for the approbation of government, plans for commuting the same.

Notice is therefore now given, that the intermediate time, from the promulgation of the proclamation to the 1st January 1809, the committee will sit at ——, twice a week, for the hearing and ascertaining the claims that may be brought forward.

Further notice is hereby given, that either master or slave may state their case; and all such masters as neglect to bring forward their claims within the allowed period, shall not have any redress or claim whatever on the person of his alleged slave, who shall be virtually free from and after the date above specified, and any

master

master, preventing by threats or restraint of any kind, his slave from laying his case before the committee, shall on proof of the same be fined in the value of the slave, such value being awarded by the committee, and paid into a general fund, to be applied to the object of general emancipation.

Agreed, That the recommendation of Mr. Phillips be adopted generally, but that the consideration of the subject do lie over for further consideration.

PAPERS relative to Slavery on Prince of Wales Island, 1808, 1809; containing a Minute and Correspondence of the Governor, N. Macalister, Esq., together with the Regulations proposed by him in April 1808, the subsequent Proceedings of the Committee for the Abolition of Slavery, with the Minutes of Council thereon, and the Plan of Debtor Service, which was proposed as a Substitute for Slavery.

Extract of a Letter from the Governor in Council of Prince of Wales Island to the Court of Directors in the Public Department, dated 6th April 1808.

Cons. 6 April.

Par. 6.—We have the honour to forward to your Honourable Court, a number in the packet, copy of a minute recorded by the Governor, relative to the abolition of slavery on this island, and we trust, the measures taken in consequence will enable us, at an early opportunity, to report more fully to your Honourable Court on this desirable object.

Extract, Prince of Wales Island, Public Consultation, 6th April 1808.

The Honourable the Governor records the following Minute, viz.—

MINUTE by the Governor.—I have to call the Board's particular attention to the subject of the abolition of slavery on this island, and to the minute recorded by Mr. Phillips on the 29th December last. The Act of the Legislature of Great Britain, in abolishing the slave trade that has hitherto existed in the West Indies, and the positive orders of the Honourable Court of Directors, call so immediately, in my opinion, for active measures on our part, that no further delay should take place in carrying into effect this important measure here, where a single benefit cannot be stated as likely to arise from its continuance.

I entirely concur in the ideas of Mr. Phillips, with respect to the means proposed to be adopted for freeing each class of slaves with the least pecuniary injury or domestic inconvenience to the proprietor, and that the desirable measure may be effected, by prohibiting, after a certain date, the transfer of slaves by purchase, gift, or otherwise, and making each slave become a debtor to his master in a given sum, calculated on the value of his present services.

With this view, it was my intention to have proposed to the Board, certain resolutions for carrying the same into immediate effect; but as I have lately had an opportunity of obtaining the sentiments of the heads of the different casts here, who are the principal holders of slaves, I am induced to recommend, that previous to the Board's coming to a decision, and declaring all slaves free after a certain period, a committee should be appointed for the purpose of fully investigating the subject, and after hearing the arguments of the different proprietors of slaves, to submit such regulations for their emancipation, as may appear to them best calculated to effect the object in view.

The principal objection that appears to exist is among the higher classes of natives who have settled here with their slaves, under an assurance that their domestic arrangements would never be interfered with. Many of them have slaves in their zinanas, which I fear no measures taken at present, short of absolute coercion, would induce them to set free, more particularly as it is considered a degradation, if females, who may be once admitted, afterwards to enter into other alliances.

As I understand, that any regulations that can be made, leaving it to the proprietor to emancipate his slave, by making him his debtor to a certain amount, will be considered a more accommodating mode to the holders of slaves, and as the object may be alike effected, whether the act of giving freedom proceeds direct from the government or the master, I subjoin the heads of certain regulations for the committee's consideration, which, as far as I have been able to ascertain, are approved of by the principal natives on the island.

Should the Honourable Board approve of the mode recommended in the proposed general regulations, and submit them as the ground work of the committee's

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deliberations, I am of opinion, that the sums proposed to be levied as duties, should be considered as set apart, to form a fund for the aged and young children, slaves, who may by their emancipation be otherwise left destitute, and for remunerating such persons whom the regulations may, from their general and extensive tendency, possibly injure in a pecuniary degree.

I have, lastly, to propose, that as there are several slaves belonging to the Company on this island, they be declared free from and after the 12th August next, and virtually, at liberty to go and come, and to apply their industry at pleasure; and that the secretary do lay before the Board at their next meeting, a draft of the instructions to the committee.

HEADS OF REGULATIONS.

1.—That the importation into Prince of Wales Island of slaves of every description, be prohibited from and after the date of the proclamation, and that all slaves (those the property of natives of Quedah, who have a right to retain the same by treaty, and slaves belonging to the masters of foreign vessels, casually touching at Prince of Wales Island, excepted) landed in Prince of Wales Island after that date, be considered as free men, and at liberty to apply their industry at pleasure, within Prince of Wales Island.

2.—That the masters of vessels arriving at this port, having on board slaves belonging to their respective vessels, or who may have been brought under an ignorance of the existing regulations, be required to send in to the collector's office, a list and description of such slaves, in order that they may be registered, and on the departure of the vessels permitted to depart in the same condition of slaves as they arrived; nothing in the proclamation tending to affect slaves who may be brought to this port under such circumstances, provided they are not transferred, and that they quit the place in the vessels in which they severally arrived within a given period; or to prevent the master of such vessels from reclaiming any slave or slaves who may have run away from them during their stay in the port of Prince of Wales Island.

3.—That from and after the date of the proclamation, the transfer of slaves within Prince of Wales Island, whether by purchase, gift or bequest, or otherwise, be prohibited; and that the proprietors of slaves now on this island, be required immediately to register their respective slaves (having regular slave papers) at the collector's office, where an exact description roll of such slaves will be kept. All slaves not so registered within two months from the date of the proclamation to be free, and at liberty to go and come without molestation from their former masters or mistresses.

4.—That a duty at the rate of five dollars for each male slave, and ten dollars for each female slave, be paid to the collector by the proprietor, previous to the registry of each slave, as above mentioned.

That an annual duty, at the rate of five dollars for each male slave, and ten for each female slave, be paid by the respective proprietors on or before the 1st day of January in every year, when a certificate (in which the slave will be described) will be given of the same having been paid; in failure of the payment of this duty within one month after such 1st day of January in every year, the slave or slaves for whom the said duty has been so omitted to be paid, to be free from that date, and at liberty to go and come without any molestation from their former masters or mistresses.

5.—All slaves that may from time to time become free under the proposed regulations, to be granted a certificate of the same on their application.

6.—All children that may be born within Prince of Wales Island after the date of the proclamation, of slave parents, shall be free from their birth; and the proprietors of the slave parents shall afford such children maintenance until they are capable of obtaining a livelihood for themselves, or their parents may become free.

7.—That from and after the 12th day of August 18—, slavery, whether originally by purchase, transfer, gift or descent, or by what other means so become, do cease and be abolished within Prince of Wales Island.

(signed) *N. Macalister.*

Ordered, That the same lie over for consideration.

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Extract of a Letter from N. Macalister, Esq. to the Secret Committee of the Court of Directors, dated Fort Cornwallis, the 7th April 1808.

Para. 11.—I have also to refer your Honourable Committee to the general dispatch from this government, for the measures intended to be adopted by us, which will be actively followed up, and, I have every reason to believe, tend in a very short period to the total annihilation of this traffic of the human species, from the continuance of which there does not appear one solid advantage likely to arise.

Extract of a Letter from Colonel Macalister to the Chairman of the Court of Directors, dated Fort Cornwallis, 7th November 1808.

Para. 14.—By the China fleet we shall have the honour of transmitting to the Honourable Court of Directors, the regulations established for the abolition of slavery on this island, which are intended to be duly published and carried into effect, previous to the 1st of January next.

Extract of a Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors in the Public Department, dated 4th February 1809.

Cons. 1807. 27th Dec. 1808. 6th April, 29th Sept. 13, 20, and 27th October.

Para. 10.—We have to refer your Honourable Court to the consultations noted in the margin, for our proceedings on the subject of the abolition of the system of domestic slavery hitherto existing on this island, which important and desirable object we at one time expected might have been fully accomplished, even so as to effect the emancipation of slaves now on the island. Cautious, however, of interfering in the domestic arrangements and customs of the various native inhabitants who have resorted to and settled on this island, on the faith that such should not be interfered with, and adverting to the measures taken by your other governments in India, towards the abolition of slavery at their respective presidencies, we have not at present deemed it advisable to proceed further than they have done. To have denied the native inhabitants here those domestic privileges that, though not openly allowed, are tacitly admitted elsewhere, would, in our opinion, have tended materially to affect the population of the island, by discouraging the general resort to this place.

11.—Whatever measures may become advisable at a future period, in following up the plan of totally abolishing slavery on the island, the present time, when the island, from the distress of the cultivators, and the general stagnation of trade, is suffering from temporary emigration, is by no means calculated for the adoption of any measures likely to affect the hitherto tolerated customs of the native inhabitants. We have, therefore, deemed it improper to adopt either of the plans recorded on our proceedings for the immediate abolition of slavery; and, confining our attention more particularly to the discouragement of the same in future, we have taken the most effectual measures in our power for preventing the further importation of slaves, as well as the transfer of those now on the island, by which means we have a confident hope, that the practice will be so far reduced as to render a more immediate interference on the part of government unnecessary, at least until the minds of the inhabitants shall be more prepared for the measure, and the population of the island sufficiently permanent not to be affected by its adoption.

12.—The slaves belonging to the Honourable Company were sent from Bencoolen on the first settlement of the island, and are at this time few in number, mostly old and infirm, and young children, incapable of maintaining themselves by their daily labour. These we have resolved to emancipate, continuing, however to the old and infirm the maintenance hitherto allowed them by the Company, and subsisting the children till they respectively become enabled to maintain themselves.

Extract, Prince of Wales Island, Public Consultations, the 21st July 1808.

The Board, referring to their proceedings of the 29th December and 6th April last, on the subject of the emancipation of slaves, and the abolition of slavery at Prince of Wales Island,—

Resolved, That in conformity with the minutes submitted by the Honourable the Governor, and Mr. Phillips, that a committee be appointed, for the purpose of into their consideration the object in view, of emancipating, as far as possible, slavery as hitherto tolerated in Prince of Wales Island; that for this purpose the secretary be directed to prepare instructions for their guidance, grounded on the minutes recorded on their proceedings of the 29th Dec. 1807, and 6th April last:

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Resolved further, That the collector be prohibited (from and after this date) from registering the sale of slaves imported, and that the following European gentlemen and natives, as being the best informed on this island, be requested to form the above mentioned committee, viz.—

George Caunter, Esq. Chairman, *David Browne*, } Europeans.
James Scott, *Tho. M'Quoid*, }
Juan Sied Hussain Jelabdin, *Abdul Rahman*, and } Natives.
Caunder Maydeen, *Lowe Ammee*, }

Extract, Prince of Wales Island, Public Consultations, 29th September 1808.

To J. C. Lawrence, Esq. Assistant Secretary to Government.

Sir:—Enclosed are the proceedings of the committee, appointed by the Honourable the Governor and Council to take into consideration the abolition of slavery on this island, which I request you will please to lay before the Board.

Prince of Wales Island, 17th September. I have, &c.
(signed) *George Caunter.*

Proceedings of the Committee nominated by the Honourable the Governor and Council, for the purpose of considering the most eligible Mode of abolishing Slavery on this Island.

Present,—*George Caunter*, *James Scott*, *David Browne*, and *Thomas M'Quoid*, Esquires.
Juan Syed Hussain, *Caunder Maydeen*, *Jelabdeen*, and *Ammee*.

The undersigned, European members of the committee, beg leave to express the high pleasure and gratification they experienced in being called on by government to assist and co-operate with the Honourable Board, in effecting the benevolent object submitted to their consideration, and at the same time to assure the Honourable Board, that in deliberating on this important subject, the committee have not failed to give it that considerate and serious investigation which the interest it involves demands, and to be directed by a due regard to those circumstances of humanity and policy, which with so much propriety are adverted to, and discriminated in the letter of the secretary to government, under date the 21st July last, nominating this committee, and in the regulations suggested by the Honourable the Governor, transmitted inclosed therein.

After mature deliberation, the undersigned are of opinion, that the views of humanity, and of the British Legislature, signified in the late Acts respecting the abolition of slavery in the British West India Islands, may be extended and adopted here, consistent even with due attention to the political circumstances of this settlement; and with all deference, they beg leave to recommend to the Honourable Board, the immediate and positive emancipation of slaves, in preference to relying on the accomplishment of it by the establishment of an annual tax, which, while the richer masters would be able to meet it, might have the effect only to induce the poorer to insist with rigour and inhumanity on greater exertions of service from their slaves, in order to enable them also to meet it.

The undersigned are aware, that from the extreme low price of produce, combined with other circumstances, the population of the island has lately suffered a considerable diminution, by the emigration of chiefly Chinese inhabitants, and that at no period has it been more necessary to encourage and promote the resort and residence of Malays here, in order to replace those labourers who have emigrated; but the undersigned are of opinion, that the abolition of slavery by the emancipation of slaves, and the prohibition of the slave trade and purchase of slaves, will not tend in such degree to discourage the resort of the Malays, and consequent increase of the population, as ought to be allowed to stand in competition with the prevention of those cruelties, which there is too much reason to suppose are inflicted by inhuman masters on their slaves. Besides, the undersigned are of opinion, that even many of the people who are at present imported and sold, and purchased as slaves, will still continue to come here, though under other circumstances. These slaves are either persons who, in consequence of their own imprudence, have voluntarily sold themselves and families, or who have been forcibly seized and carried off from adjacent territories into slavery, or who have become slaves from other sources,

recognized

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recognized by the Malay laws, whom the distresses of their masters necessitating to dispose of, they bring here from being able to obtain a higher price for them than they can procure in their own countries; and so soon as they are prohibited from selling them here, they will most likely adopt the mode at present practised in regard to their more favoured slaves, of emancipating them, and allowing them to endeavour, by mortgaging their labour, or by contracting to perform certain work or jobs, to procure in advance a sum to be paid in consideration of their emancipation, which though it may not amount to so much as the price they would obtain if sold here as slaves, the undersigned have no doubt, from the superior spirit of speculation, paucity of labourers, and high price of labour, which prevails here, comparatively with what exists in the Malay countries adjacent hereto, will even exceed the price they could procure at home or elsewhere. This practice cannot be considered as in any way encouraging slavery. On the other hand, as slavery is universally prevalent in all the adjacent countries over which the British government have no controul, were such an usage not sanctioned, the objects of it would continue slaves, so that recognizing it is in fact extending the operation of humanity, by not only rescuing them from being subject to inhuman treatment, but in fact effecting their emancipation.

Allowing, however, that the abolition of slavery might have the effect to retard the increase of the population, it would benefit the island in another respect most essentially, by effectually and entirely putting a stop to the infamous practice still existing, notwithstanding every effort and regulation of government, of purchasing females for the purpose of hiring them, and compelling them to ply as public prostitutes, and enable many industrious Chinese and others, to obtain wives, whom this infamous practice has hitherto prevented. The great gain resulting from it, enabling the bawds to purchase these females at most extravagant prices, and consequently by connecting these Chinese and others more permanently, through the medium of families, with the settlement, will not only improve much the character of the community, but tend ultimately to afford a more certain source of increase of population than from casual residents.

Independent therefore of the calls of humanity, and of the distinguished example afforded to the world by the British Legislature, the undersigned must allow, that these considerations have also had much weight in inducing them to recommend the immediate and positive emancipation of slaves, though they at the same time are aware of the propriety and necessity of regarding, as far as is consistent with humanity, the *property* of the owner, and the prejudice of the natives of higher rank; but these they are hopeful may be nearly assimilated and combined, by adopting as the basis of emancipation, a custom and usage which has been immemorially sanctioned and prevalent in the Malay countries and on this island since the formation of the settlement, viz. that of mortgaging labour and services in consideration of a sum advanced, for which the person or persons become debtors. Originally in some degree resembling the feudal system which prevailed formerly in Europe, these services extended to accompanying their creditors or masters in all predatory expeditions, and obeying all their commands of whatever nature, the masters providing for their subsistence and clothing. In general the connection was formed voluntarily by the debtor, uncompelled by pernicious necessities, with the view thereby of securing the interest and protection of the master, and occasionally by his own imprudence having involved him in debt, which entitled his creditor to his services till it was liquidated. On this island, the engagement of course extends only to the use of his labour, and is generally made by a deed or bond in the Malay language, of the following tenour;—

"*A.* has come and solicited, and received from *B.* a debt to the extent of fifty dollars. All *B.*'s commands *A.* promises to obey, and to work long and short (*i. e.* at all hours); when working within (*i. e.* labouring for *B.*) be victualled and clothed within, and when working without (*i. e.* labouring for himself) to find subsistence and clothing himself."

He is liable to repay the debt when demanded, and being merely a debtor, is nearly as much under the protection of the law as any other servant, the master being amenable for beating or treating him otherwise inhumanly; and he has also at all times an option of leaving his service, on giving proper intimation and paying the amount he owes. In this manner a very considerable proportion of the Malay population on this island have emigrated from their own countries and resorted here; for from the greater riches and superior spirit of adventure that exists here, those debtors, who from being badly treated, wish to pay off their debts, and leave

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the families of their masters, or who are obliged to do so, in consequence of the request of the creditors, whose distresses probably necessitate them to demand payment of the debt, find little difficulty in procuring the amount here in bonds of the above nature; and the vicinity and previous settlement here of many of the most respectable of their countrymen, as well as the daily opportunities that occur of communication and intercourse with their former homes, readily reconcile them to this emigration. Besides the more opulent natives, the European planters, who experience the necessity of encouraging the settlement of Malays here, are also in the practice of making loans of this kind, but in general in place of taking bonds similar to the above, they contract for the performance of a certain specified service or job, and consider the sum paid or lent as an advance to account of it.

Having stated these observations with a view of developing as distinctly and minutely as possible to the Honourable Board, the various circumstances and motives which have presented themselves for the consideration, and influenced the opinion of the undersigned members, they now beg leave to suggest to the Honourable Board, the facility of adopting an arrangement founded on this usage, which they conceive would not only meet the wishes and acts of the British Legislature, by depriving inhuman masters of the power of treating cruelly their fellow creatures, but would also go much further, as it would positively emancipate even those that are at present slaves, and would at the same time secure to the owners nearly the value of the property. This the undersigned with deference submit, would be completely effected by simply declaring all slaves emancipated, and that in future they are to be considered only as debtors to their masters for a certain sum, which sum ought to be fixed as nearly as possible at the cost or value, but so moderate that a debtor, in the event of wishing to leave his master, would not be likely to have any difficulty in procuring a loan of the amount from another, either on the terms of the bond above cited in general use, or by contracting to perform some work, on account of which he might receive that amount in advance. As however it would be impossible, without an infinite deal of trouble, to go into an inquiry of the particular state, circumstance, and cost or value of each slave, the undersigned would therefore propose, that one general sum should be fixed for every individual slave; but previous to stating their opinion with regard to the sum to be fixed, the undersigned beg leave to premise, that all slaves on the island are, excepting a few Caffrees, Malays, Battahs or Chuliahs, the former much more valuable than the latter, whose labour in general is not equal to more than their subsistence and clothing; the undersigned therefore, with all due deference, beg leave to suggust, that each Malay, Battah or Chuliah slave, either male or female, and of whatever age, shall as a consideration for their emancipation, become a debtor each to his or her master or mistress in the sum of 50 Spanish dollars, providing however, that the consideration for a family of Malay, Battah or Chuliah slaves, composed of a father and mother, or either of them, and all the children under nine years of age, be rated at only 100 Spanish dollars; those above nine, in this case, to be rated at 50 dollars each, as other slaves, and that Caffree or Negro male slaves, of whatever age, shall become a debtor for 100 Spanish dollars; and all female Negro slaves, of whatever age, for 50 dollars to their masters or mistresses, as a consideration for their emancipation; of a family of Negro slaves, composed of a father and mother, or either, and children, shall, for both the parents or either of them, and all the children under nine years of age, be rated at only 150 dollars; those above nine, to be rated according to their sex, agreeably to the sum fixed as the consideration for the emancipation of other individual slaves of their caste.

By this plan, the undersigned have no doubt, that many slaves become debtors, would in consequence of the privilege they would possess of changing their masters, and undertaking different contracts and services, soon be enabled, by economy and industry, to liquidate their debts and liberate themselves entirely from every kind of bondage; yet the undersigned would also suggest, in order that entire emancipation might positively be in their view at a certain period, and more particularly in the view of those, who probably from attachment or other motives, might not wish to quit the family or relinquish the services of their masters, that a sum of half a dollar shall be credited to them monthly by their masters, and written off from the amount of their debt; this however to be allowed only to those who may have attained the age of 21 years, and the allowance of it to those under that age, to commence only on their attaining that age, and to be applicable only to the period those slaves or debtors continue with their original masters, as any subsequent engagement with another master must be regulated entirely by the terms of the agreement made between

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between them, nor ought it to preclude masters, who may find the services of their slaves become debtors not equal to this allowance, and their subsistence and clothing, to dispense with their services, and insist on the amount of their debt. Debtors, if of good character, will always be able to change their masters, and consequently there is little or no chance of their being inhumanly treated; yet it ought to be adverted to at the same time, that if they fail to serve their masters with fidelity, or by impropriety of conduct, occasion detriment or injury to their masters, they must be liable to be mulcted in the damages, to be added to their debt, as if they should obstinately refuse, or from notorious infamy of character, be unable to pay their debt when demanded, and at the same time refuse or decline doing their duties properly, that the master ought not to be precluded from chastising and punishing them with more severity than he would be allowed to do a monthly servant; neither should these debtors be at liberty, without giving the previous intimation which is customary with regard to other servants, to leave the employment of their master, who might otherwise be in consequence subjected to much inconvenience.

The undersigned European members having thus minutely detailed their sentiments on this important subject, feel it at the same time their duty to transmit herewith, for the information of the Honourable Board, a communication from the Mussulman members, stating objections on their part to the emancipation of slaves, founded on the injunctions of the prophet, which they state prohibit any others than slaves from attending on their women, and that therefore they cannot dispense with slaves for that purpose. In support of this they adduce a passage in their Koran, which, on reference to Sale's translation of it, volume 2, page 192, the committee find translated thus :—" And speak unto the believing women, that they restrain their eyes and preserve their modesty, and discover not their ornaments, except what necessarily appeareth thereof; and let them throw their veils over their bosoms, and not shew their ornaments unless to their husbands, or their fathers, or their husband's fathers, or their sons, or their husbands sons, or their brothers, or their brothers sons, or their sisters sons, or their women, or the captives which their right hand may possess, or unto such men as attend them and have no need of women, or unto children who distinguish not the nakedness of women; and let them not make a noise with their feet, that their ornaments which they hide may thereby be discovered."

The undersigned deem it unnecessary to state to the Honourable Board the import, in their opinion, of this passage, or to elucidate it by remarking how much the habits and manners of the Mahometan society, particularly of the poorer classes, are in opposition to the doctrine deduced from it; they beg leave only to call the attention of the Honourable Board to the following passage of the Koran, Sale's translation, volume 2, page 194 :—" And unto such of your slaves as desire a written instrument, allowing them to redeem themselves on paying a certain sum, write one, if you know good in them, and give them of the riches of God, which he hath given you." Which certainly not only directly enjoins the emancipation of slaves, but exactly in the manner suggested by the undersigned members.

The undersigned, however, are far from wishing to recommend or advise the adoption of any measure which might be generally disagreeable or offensive to the Mussulman community here, whether their objections to it originate in ignorant prejudice, or proceed from a regard to interest and convenience ; but they have good reason to believe, that the opposition, even among the followers of the Mahometan religion here, to the emancipation of slaves, is very partial, and confined almost entirely to a few of the first rank. Should, however, the Governor and Council think it advisable and proper to pay attention to these objections, the undersigned beg leave to state, that they conceive they might be sufficiently obviated by permitting each of them to retain their concubines, who shall not be allowed to quit the families of their masters, except they may be badly or inhumanly treated, which *de facto*, and of having cohabited with their masters, should entitle them to absolute emancipation; and by allowing them further to select, for each of their wives, one slave as an attendant, to be rated at the sum of 200 Spanish dollars, which would make it unlikely that any one would pay that amount, and deprive their masters and mistresses of their services, subject however to the deduction of one-half dollar a month for redemption; and the masters and mistresses to be required to furnish a description of each individual concubine, and each slave so selected, to be inserted in the present registry of slaves, to prevent the possibility of substituting others hereafter in their room.

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The undersigned, along with these proceedings, beg leave also to transmit for the information of the Honourable Board, the sentiments of Mr. M'Quoid, the other European member of the committee.

(signed) *G. Counter.* *J. Scott.* *D. Brown.*

Prince of Wales Island, 15th September 1808.

Minute of Mr. M'Quoid.—When the abolition of slavery on this island was first spoken of, the measure had not a more zealous or ardent supporter than myself, nor has it in its abstract sense at the present moment; but, until the subject came to be discussed, in consequence of government appointing this committee to deliberate upon, and recommend to them the best mode by which so very desirable an object would be carried into effect, without injustice to the proprietors of slaves, or too suddenly interfering with ancient and sanctioned usages, I confess I had not given it that consideration which, as a member of this committee, I have since felt it my duty to do; nor had I the most distant idea of the strong and very general opposition it would meet with from the respectable natives, or more strictly speaking, the free black inhabitants professing the Mahomedan religion on this island.

It is this opposition to the measure, that has induced me seriously to reflect on the policy of it. I am aware, that the majority of the European members with whom I have here the honour to be associated, are of opinion, that as we have not been called upon to do so, we have consequently no right to question or inquire into the policy of the measure; and although it is with extreme diffidence that I venture to dissent from the opinion of men of such experience and ability, yet I do notwithstanding conceive it to be the duty of this committee, or of any individual member in it, to whom a well-grounded objection as to its policy, should occur in the course of the investigation, freely to state such objection; and it is to be hoped, that the Honourable Board will impute the supererogation, if it may be so termed, to a zealous anxiety for the welfare and prosperity of the island; at least it is this motive alone which actuates me.

The native members of this committee, certainly ought to be considered as the voice of their sect on the island. I will first state, as they occur to me, the objections urged by them, which may be divided into three distinct heads. I will then state their arguments in support of those objections, with my own deductions therefrom, and will close this minute by submitting a plan, which appears to me calculated to remedy the evils to be apprehended from the immediate and unqualified abolition of slavery.

1st Objection.—That the abolition of slavery will interfere with their religious customs, particularly regarding their women, and that Mussulmen might as well be ordered to wear hats (their own words), as to be obliged to emancipate the slaves now in their possession.

2d Objection.—That it will interfere with the whole of their domestic arrangements, inasmuch as it is not customary among Mussulmen in Malay countries, to order or exact from a slave debtor, or from a person receiving daily or monthly wages, that kind of domestic labour which they can exact from a slave.

3d Objection.—That when they settled on this island, they did so on the faith and implied assurance, that their customs and usages would not be interfered with.

Argument on the first Objection.—By the law of their prophet, say they, a Mussulman may have four wives, if he can afford to maintain so many, and he is not restricted to any number of concubines. His wives are generally chosen from among the daughters of free men of an equal rank with himself; but his concubines can only be taken from among his slaves. Now, say they, if all slaves are emancipated or made simple debtors, our concubines will of course have it in their power to leave us, on paying the sum fixed upon as their value, which in most instances, they will themselves be able to do, from the fruits of their master's generosity, and in this infant and confined settlement, Musselmen will find it difficult to meet with suitable wives. It is considered by all Mussulmen, but particularly among the higher class of Malays, a very great disgrace for a woman, with whom he has once cohabited, to go with strange men, or leave his house without his consent and permission, which their emancipation will enable them to do, even while they are with child by their master.

Argument on the second Objection.—Domestic bondage has prevailed among their forefathers from time immemorial, and is now permitted, and even countenanced, in the

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the other settlements of the Honourable Company in India. In Malay countries, that is, in countries governed by Malay princes, a master has, in certain cases, power over the life of his slave. Here, that power has never been exercised, and the master is in all cases equally liable to answer for an act of cruelty or any improper conduct towards his slave, as he would be for any act towards a person to whom he paid monthly wages. There are many natives, especially among the middling and lower classes, who, if their slaves are liberated, will not be able from their confined circumstances, and the higher price of labour, to hire servants to perform such menial offices as their slaves now perform, and who will therefore be put to the greatest possible inconvenience.

Argument on the third Objection.—So long as their customs and usages did not militate against any positive law or regulation of government, they settled upon this island on the faith that such customs should not be interfered with. They found slavery existing here, and sanctioned by the government, and the fees levied by government upon the sale or transfer of slaves, they considered as a guarantee to the purchaser or proprietor, that his property was sacred; and so strongly are the natives impressed with this idea, that they actually think, and do not hesitate to say, that the government might as well take the clothes off the back as emancipate the slaves now in their possession, under such circumstances.

To the mind of the liberal and enlightened Christian, these objections and the arguments thereon will doubtless appear weak indeed, when placed in opposition to the noble and humane object of liberating from bondage thousands of his fellow creatures. No member of this committee feels the force of the foregoing remark more sensibly than I do; but I am at the same time to consider, that this settlement is not composed of enlightened Christians only; that we are surrounded by nations who profess the Mussulman faith, and that it has ever been the policy of Europeans, but more particularly of Englishmen settling in this country, to interfere as little as possible with the religious tenets or prejudices of the natives. It has been urged, that the doctrines of Mahomed do not support the objections urged in the present instance, and that these objections originate in ignorance of the law of their prophet. Admitting this argument to be correct, which I much doubt, experience teaches us, *that religious tenets, whether well or ill-founded, are equally difficult to remove, and that in either case an attempt to remove them will be attended with the same consequences.* Now the question resolves itself to this;—What are the consequences likely to result from the abolition of domestic slavery, as it at present exists on this island? Though it may perhaps be difficult to foretell all the consequences of this, we may be assured, that the measure will occasion the highest degree of dissatisfaction and disgust against the government, among the whole body of Mussulmen, composing little less than one half of the inhabitants residing on the island; that there is every reason to fear it will occasion great numbers of them to emigrate, and that it will most certainly prevent any respectable native of that persuasion from settling upon it hereafter.

It is on this ground I venture to oppose the emancipation of slaves on the island, to the extent which has been proposed by one of the members of this committee, and because I feel convinced that the object may be ultimately attained by some other mode, the operation of which will not be less sure, though not so immediate in its effect.

Before I conclude, I wish to remark, that as the government have been pleased particularly to direct our attention to a plan proposed by the Honoura[illegible] the Governor on this subject, wherein nothing like the immediate emancipation of slaves is mentioned, and where it is even recommended, that an annual tax should be levied upon slaves, with an intent, no doubt, to do away slavery by degrees, it must be evident (at least to me it is so), that the Honourable Board never meant to confine this committee to the simple consideration of the best mode by which the measure could be carried into immediate execution, but that they also expected our opinion as to the practicability and policy of doing so at once. If, however, I should be mistaken, and it shall prove to have been the determination of government, immediately to abolish slavery on the island, and that we are only called upon to recommend to them the best mode by which it can be so effected, I wish it to be understood, that I coincide in the outline of the plan proposed by Mr. Brown, and adopted by this committee, of making the slaves simple debtors to their present owners, which, with some little additions, is certainly the most just and humane mode that can be adopted under such circumstances.

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I will not at present trespass on the time of the committee, farther than by submitting the plan I have before alluded to (herewith annexed, marked A.) which may admit of many alterations and modifications for the better.

Prince of Wales Island, 15th Aug. 1808. (signed) *Thomas M'Quoid.*

(A.)

1st.—The importation and transfer of slaves prohibited under a severe penalty, from this date.

2d.—The children of slaves, who shall from the date hereof be born in bondage, to be free, and the owner of the mother of such child shall be obliged to maintain it (if the father of the child be not able to do so) until it is sixteen years of age, so that in this case the child is to be considered in the light of an apprentice to the owner of its mother, until it arrives at such an age, as by its labour or services it will have repaid the owner the expense he or she may have been at for its maintenance during its infancy.

3d.—Persons already in possession of slaves to whom they can make good their title as such, may hereafter transfer them, as *slave* debtors, at a certain rate to be fixed upon, as the case may be, according to the plan proposed on this head by the committee.

4th.—All reputed slaves, whose owners cannot produce a slave paper, or other positive evidence in proof of their right to them as slaves, but who at the same time can satisfactorily prove an implied right to them as such, in consequence of long residence in their families or otherwise, shall from the date hereof become *slave debtors*, for a sum to be fixed upon in conformity to the plan already recommended in the third regulation.

5th.—All slaves kept after the date hereof, for the purpose of prostitution, that is, hired out for prostitution, to be liberated; and if it shall appear on investigation that force has been used by the owner to oblige any slave to prostitute herself, the owner shall be further liable to fine or other punishment, at the discretion of the magistrate.

6th.—Whenever it shall be made appear to the satisfaction of the magistrate, that any slave has been treated with inhumanity or cruelty by his or her owner, such slave shall be immediately liberated.

At the end of a certain period, say ten years, by the operation of regulations similar to the above, there will be but few slaves on the island. The minds of the inhabitants will be accustomed to the measure, and if it is then found expedient to do so, the complete emancipation of the remaining slaves may be declared, without the owners considering it as any hardship.

(signed) *Thomas M'Quoid.*

Ordered, That the above report do lie for consideration.

Extract, Prince of Wales Island, Public Consultations, the 13th October 1808.

The Board referring to the committee's report on the emancipation of slavery, read on the 29th ult.

Mr. Pearson submits the following minute, viz.—

MINUTE of Mr. Pearson.—The intentions of the Board, when communicating their wishes and instructions to the committee, were, I conceived, that they should, as far as their local experience and acquaintance with the habits and ancient customs of the different descriptions of Asiatics, residents upon this island, would enable them to do, take into their consideration the measures best to be pursued for restraining, and ultimately, as far as might be practicable, abolishing the system of slavery, as hitherto tolerated at this island. It does not, however, appear to me, that the committee, with the exception of one of its members, Mr. M'Quoid, have considered the Board's instructions in this point of view. The sentiments expressed by Mr. M'Quoid on the subject, in my opinion, are replete with good sense and policy, and appear to me to accord with the ideas entertained by the Board, when Colonel Macalister, on the 6th April, recorded some proposed regulations for emancipating, as I imagined, the slaves on this island by degrees, and to an extent only, that the prejudices of the natives of the higher order would politically admit of.

It never has been, and perhaps never will be found practicable to abolish slavery altogether, on the Continent of India; how then can it be expected to be done here, while

while our population is principally composed of natives of India, and others professing the Mahomedan religion, and who of course brought with them their customs and religious prejudices. I do therefore most strongly oppose, as fraught with incalculable mischief, the adoption of the measure recommended by the committee, and advise a far more just, wise, and politic proceeding, that of founding regulations upon part of those proposed by Colonel Macalister, and the suggestions of Mr. M'Quoid, which tend immediately to do away the most noxious parts of the practice of slavery, and ultimately to prohibit the system, as far as it has been found practicable in other parts of India.

(signed) *H. S. Pearson.*

Extract, Prince of Wales Island, Public Consultations, the 20th Oct. 1808.

The Board referring to the report from the committee appointed to investigate into the condition of slavery at Prince of Wales Island, read on the 29th ult.

The Honourable the Governor and Mr. Phillips recorded the following minutes, viz.—

MINUTE by the Governor.—Having maturely considered the subject of the emancipation of slaves, and the abolition of slavery at this island, as drawn to our notice by the report of the committee, read on the 29th ult. I am of opinion, that the measure proposed by the majority of the committee, of emancipating all slaves, and making them debtors, without reserve or limitation, with respect to time or other circumstances, is manifestly objectionable.

I have further to state, that in my opinion the suggestions contained in the minute by Mr. M'Quoid, the remaining member of the committee, which accompanies their report, and which coincide with those contained in my former minute on the subject, are equally likely to effect the desirable object proposed, without militating in a considerable degree against the customs, habits and prejudices of the Mussulmen, part of the population of this island.

I have therefore to propose, that the regulations contained in my minute, recorded on the 6th April last, together with the suggestions contained in the minute from Mr. M'Quoid, be taken as the ground-work of a regulation for the gradual and final emancipation of slaves, and the abolition of slavery on this island; and that the secretary be directed to prepare and lay before the Board, a draft of these regulations, for their approbation and amendment.

(signed) *N. Macalister.*

MINUTE by Mr. Phillips.—Although three of the four European members of this committee coincide with the opinions offered in the minute recorded by me at this Board on the 29th December last, yet I cannot but allow, that the arguments now brought forward by the dissenting European member, supported, as it would appear by all the Asiatics in the committee, against the immediate and positive emancipation of the slaves on this island, merit due consideration from the Board, so far as they may relate to the dissatisfaction apprehended by that portion of the committee, should a too sudden interference with ancient and authorized usages be adopted.

My original opinions on emancipation are however not materially changed, as I do not conceive the objections stated against them either of force sufficient to outweigh the object in view, nor that they possess the extreme influence apprehended; but as slavery is tolerated, though not avowedly authorized, among the Mahomedan subjects in British India, and as this island has lately from various causes suffered by emigrations, it may not at this moment be either advisable to risk a further reduction of the population, or to disregard the apprehended disgust that an immediate abolition of slavery might create in the minds of some of the most respectable and wealthy Asiatics, I therefore do not dissent to what my two seniors at this Board have recommended in their respective minutes.

As, however, the objections stated cannot in any way affect the honourable Company as owners of slaves, I trust there will arise no disunion of sentiment in declaring free all the male and female slaves, the property of the Company, even although such as are incapable of labour should be subsisted by government during the few years they may still live. Such an act will be a considerable pecuniary saving to the Honourable Company, an honourable example, one looked for by the community, and may ultimately extend its influence materially towards repressing the present stated disinclination to the measure of general emancipation.

(signed) *W. E. Phillips.*

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Mr. Erskine stated his intention of submitting his sentiments on the subject at the next meeting of the Board.

Ordered, That the same do lie over till the next meeting of the Board.

Extract, Prince of Wales Island, Public Consultations, the 27th October 1808.

The Board, referring to the minutes recorded by the Honourable the Governor, and Mr. Phillips, at their last meeting on the subject of slavery at Prince of Wales Island,—

Mr. Erskine submits the following minute:—

MINUTE by Mr. Erskine.—After anxiously weighing and considering the various matters connected with the subject of abolishing slavery on this island, and the sentiments expressed in the communications from the Honourable Court of Directors, as well as the supreme government of India, and from the minutes of the members of this Board, and the report of the committee referred to on this subject, appointed to propose the best and most eligible mode of carrying so desirable an object into execution,—

I am of opinion, that the observations submitted to the notice of the Board by Mr. M'Quoid, are the best digested, most plain, and practicable, but by no means to sanction or authorize the transfer of people in bondage, which would be a direct encouragement of this detested traffic.

I would from a certain day (say Christmas day next) declare all slaves emancipated within this jurisdiction, and am of opinion, that any difficulty that would accrue from such a circumstance as "general emancipation," would be temporary only, and that such unfortunate creatures as were not oppressed in servitude by the unkindness of their owners, would never desert them.

(signed) *J. J. Erskine.*

Ordered, That the secretary do prepare and lay before the Board a draft of the regulations, as proposed by the Honourable the Governor at their last meeting.

Extract, Prince of Wales Island, Public Consultations, 17th Nov. 1808.

The Board, referring to their proceedings on the subject of the abolition of slavery on this island,—

Resolved, That instructions be issued to the collector of customs, and to the police magistrate, to discourage by every possible means in their power the future importation of slaves into this island, as well as the transfer of those now on the island from their present proprietors.

Extract of a Letter from the Court of Directors to the Governor in council of Prince of Wales Island, in the Public Department; dated 1st November 1809.

Letter from, dated 29th January 1808, (41.) adverting to measures adopted for the Abolition of Slavery on the island.

Par. 18.—As we find, by your letter of the 4th February 1809, that you have not deemed it advisable on more mature deliberation, to prosecute the measures which were in agitation when this paragraph was written, but have limited your present view to the adoption of such steps as may operate to discourage slavery on the island, and to prepare the way for the eventual discontinuance of that practice, under circumstances more favourable to its abolition, we shall postpone the consideration of this subject until we reply to that letter.

Extract of a public Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors; dated the 7th of June 1810.

Letter from the Court, dated 1st November 1809, paragraph 18, relative to the Abolition of Slavery.

23.—In the 10th and 12th paragraphs of the general letter from this government, dated the 4th February 1809, your Honourable Court were advised of the measures adopted in pursuance of your further orders on this subject.

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Extract, Letter from the Court of Directors to the Governor in Council of Prince of Wales Island, in the Public Department, dated 16th May 1810.

Letter from Prince of Wales Island, dated 4th February, 1809, (10–12,) stating Reasons for suspending the immediate Abolition of Slavery; but that the most effectual measure had been adopted to prevent the further Importation of Slaves, as well as the transfer of those already on the island.

Par. 4.—We have perused the reports of the committee appointed by you for considering the expediency of abolishing slavery at Prince of Wales Island; we have also had under our view the separate observations of Mr. M'Quoid, a member of that committee, together with the several minutes recorded on your proceedings on this subject.

5.—The principles now generally recognized by the nation, strongly incline us to the immediate emancipation of slaves at your presidency; but as it appears to be objected to on the part of the native inhabitants (particularly those of the Mahomedan persuasion), who have settled with their slaves under our protection, upon the assurance that their domestic arrangements would not be interfered with; and as it is certainly highly politic to attend in every practicable instance to the prejudices of the natives, we concur with you, that the adoption of effecual measures to prevent the further importation of slaves at Prince of Wales Island, and the transfer of those already there from their present proprietors, are the most eligible means of discouraging this inhuman traffic at your settlement, particularly as they strike at the root of the evil, and if strictly enforced, may be expected finally (although gradually) to abolish slavery at your presidency. We accordingly approve the resolutions you have adopted upon this occasion.

Extract of a public Letter from the Governor in Council of Prince of Wales Island to the Court of Directors; dated the 1st January 1811.

Letter from the Court, 6th May 1810, (4 and 5,) approving the resolution of this government for the discouraging the importation of slaves on the island.

24.—We are much gratified by your Honourable Court's approbation of the measures adopted by us for discouraging slavery at this residency; and we have the satisfaction to acquaint you, that by the enforcement of the means framed for the prevention of the slave trade in general, the best possible effects have been experienced.

PAPERS relative to the publication of the Slave Trade Felony Act, in 1813.

Extract, Prince of Wales Island, Public Consultations, 7th January 1813,

Mr. Secretary Tucker, Fort William, to the Honourable Wm. Petrie, Governor in Council of Prince of Wales Island.

Honourable Sir and Gentlemen:—The Right honourable the Governor General in council having had under his consideration the measures which ought to be pursued by the governments of this country with respect to the Act of the 51st Geo. 3, c. 23. entitled, "An Act for rendering more effectual an Act made in the forty-"seventh year of His Majesty's reign, entitled, 'An Act for the abolition of the "Slave Trade,'" I am directed to bring the subject under your immediate notice.

2.—The provisions of the Act being highly penal in their operation, and its object being highly important, the Governor General in council considered it proper to give it the utmost publicity at this presidency, and it has accordingly been published in the Calcutta Gazette. Copies of the Act so published, I have the honour to forward, by his Lordship's direction, for the information and use of your government. Copies of it will also be transmitted to the other governments in India, and to the magistrates stationed at the sea-ports immediately dependent on this presidency, in order that in their capacity of justices of peace, they may aid in enforcing the provisions of the statute.

3.—As no doubt can exist with respect to the construction to be given to the Act in question, as applying to the importation of slaves by sea, it appears to the Governor General in council only necessary to add, that he is of opinion that measures should be adopted by your government, for giving effect to the intentions of the legislature within the limits of your authority.

I have, &c.

(signed) *H. St. G. Tucker*, Sec^{y} to the Gov^{t}.

Fort William, 17th October 1812.

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With the view of giving the fullest effect to the intentions of the legislature and the wishes of the supreme government, on the subject to which the present Act of Parliament relates,—

Ordered, That the same be published in The Government Gazette, and that copies of the Act be sent to the Honourable the Recorder, to the Magistrates, and the Commandant at Malacca.

[*Note.*—The Act was accordingly published in the Prince of Wales Island Gazette of the 9th January 1813.]

New Arrangement of the Company's Caffrees, in 1818.

Extract of a Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors in the Public Department, dated 1 July 1819.

Cons. 17th Dec. 1818.

101.—On the recommendation of our superintendent of police, to whose report in our consultations we beg leave to refer you, we have determined to grant to the Caffrees (who still remain of the enfranchised slaves formerly belonging to the Company) the monthly sum of four dollars each, in lieu of the rations they have heretofore received. This judicious suggestion has enabled us to abolish the situation of overseer of these Caffrees, whose salary was ten dollars per month.

102.—The monthly stipend now granted to the Caffrees will be drawn for by the superintendent of police in future, and they will likewise be under better care by means of the police department, whose superintendent will have the charge of them.

Extract, Prince of Wales Island Public Consultations, 17th December 1818.

Superintendent of Police to W. A. Clubley, Esq. Secretary to Government.

Sir:—I take the liberty to report to you, for the information of the Honourable the Governor in Council, that many years ago a considerable number of Caffree slaves, a hundred and upwards, belonging to the Honourable Company, were sent here from Bencoolen to assist, as I have been informed, in clearing the level parts of this island from jungle. About the year 1809 or 1810, all the survivors among these people were emancipated; but a few, who were infirm and aged, ordered to be subsisted at the public expense. There are now only two men and four women of this description left, for whom rations of meat, rice, and liquor, besides a small monthly gratuity, is given, equal in all to about five dollars each person per month; also an overseer at ten dollars per month allowed to look after them. I therefore respectfully beg leave to suggest a monthly salary, say four dollars, to each, be given for their support, instead of the present rations and allowance; which, should the Honourable the Governor in Council approve of, might be drawn by me, and paid them, through this department, which would also save the expense to the Company of an overseer, whose services under the proposed plan would not be required. I have been induced to make this report, as the termination of the present year is approaching, and would recommend the new system, if adopted, to commence from the 1st of January 1819. I have, &c. &c.

(signed) *Rich. Caunter*, Superintendent of Police.

Fort Cornwallis Police Office, 7th December 1818.

Resolved, That the arrangement proposed by the superintendent of police be adopted from the 1st proximo; from which date the salary of the overseer of Caffrees is to cease, and the allowances for the Caffrees men is to be drawn by the superintendent of police.

Extract of a public Letter from the Court of Directors to the Governor and Council of Prince of Wales Island; dated 23d January 1822.

Letter from Prince of Wales Island, 1st July 1819, (101 & 102). Government have determined to grant to the Caffrees (who still remain of the enfranchised slaves formerly belonging to the Company), the sum of four dollars per month each, in lieu of rations. The situation of overseer, whose salary was ten dollars per month, abolished; the Superintendent of Police is in future to have the charge of them.—Note; they are six in number only.

Par. 34.—The arrangement reported in these paragraphs, appears to be judicious and economical, and therefore has our approbation.

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REGULATIONS passed in 1820 for the Protection and Government of Slave Debtors, with the Correspondence relative thereto.

Extract of a Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors in the Public Department; dated 24th of August 1820.

165.—Our attention having been, by a petition of certain Mahomedan inhabitants of this settlement, drawn to a consideration of the customs relative to slaves and slave debtors, which had prevailed amongst them since the abolition of the slave trade in the year 1806, we considered it necessary to promulge a regulation, whereby the custom of debtors serving as slaves, in consequence of the sum due by them to their masters, might be restrained from giving cover to abuses, and to the perpetuation of a system of slavery, under a different name.

166.—It would be as vain as unjust to prevent entirely the custom above adverted to, being one which the natives have been for ages used to, and which has many advantages, as well to the servants as to the masters; but we beg to refer your Honourable Court to a minute recorded by our president on the proceedings of the 4th May, containing regulations which were registered in the usual form in the Court of Judicature, and have since been enforced on all occasions to which they apply.

167.—We hope for your Honourable Court's approbation of the rules we have laid down, which previously to their adoption were communicated by our president to the honourable the recorder, and by the aid of his legal advice, have been so framed as to adapt them alike to the forms of British jurisprudence, and to the peculiar habits of the people, whose observance of them is to be required.

Extract, Prince of Wales Island Consultations; 6th April 1820.

The honourable the governor records the following petition from certain Mahomedan inhabitants, with the reply, which he directed the Malay translator to transmit thereto.

PETITION from certain Mahomedans.

Translation of a Letter from several Mahomedan Inhabitants of Prince of Wales Island, to the Honourable the Governor; dated the 25th Jemadialawal 1235, 11th March 1820.

Compliments,—We the principal persons among the Arabs, Malays, Chaleahs, and other Mahomedan inhabitants, represent the subject of debtors and slaves to your honor; that lately many slave debtors have run away, and on their masters applying to the police and the supreme court, and producing their ransoming bonds, certified by the seal of former governors, no examination of the case has been held, but they have been released by the magistrate in the police, or the honourable the recorder in the court. All the Mahomedan inhabitants of Penang have been in consequence much distressed, and have no where to apply for redress. Formerly, in the time of governor Macalister, the subject of the release of slave debtors was discussed, and we of the Mussulman religion consulted on the subject, because, according to that faith, slaves are allowed, and the governor was made acquainted with it, and he agreed, that those who were at that time slaves should remain so, but that no more should be bought or made slaves of in future. The orders of governor Macalister in council were, that those who were debtors should, when they pleased it, pay their debts, and orders were given against selling or buying slaves. We of the Mussulman religion represent the case to your honor, and request that the former orders on the subject may be confirmed, for all your honor's subjects in Penang are much distressed, and have no where else to apply for redress but to your honor; for very great numbers of slaves have been released by the magistrate at the police, and the honourable the recorder at the court. And the law of the Mussulman religion about marriages is, that no slaves or children of slaves shall be able to contract a valid marriage without the permission of their masters; the Mussulman religion is therefore in danger of being destroyed; we

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therefore, the Mahomedan inhabitants, request your honor to support the Mussulman religion; if your honor does not assist us, all our slaves will run away, and your subjects in Penang will be much distressed.

(signed) *Syed Hussain.* *Tuan Maharaja.*
Syed Ahmed. *Khadir Mydeen.*
Haju Cassim. (*Khutub*) *Jema Saib.*
Haju Abduhahmun. (*Imaum*) *Nena Mahomed.*
Haju Abdulkhadir. *Sheck Hossein.*
Noqueda Kitchee. *Haju Ahmed.*

(A true translation.)

(signed) W. S. Cracroft, Malay Translator to Government.

To the Mahomedan Inhabitants.

Draft of the Governor's Reply to Syed Hussain and other Mahomedan Inhabitants, by the Malay translator; dated 16th Jemadilakhir 1235, 1st April 1820.

I have the directions of the Governor to acknowledge his receipt of your joint address, dated the 25th of the past month of Jemadialawal, and to inform you, that its contents have obtained his most serious and considerate attention, as well as inquiry; the result of which satisfies him, that the high authorities to which it refers, in respect to the liberation of debtors and slaves, have neither disallowed debts or emancipated from servitude; but in two or three instances, wherein, after an attentive and patient investigation, satisfactory evidence has appeared either of gross and unjustifiable abuse of the power of the master, or that the debt claimed was on the authority of papers fraudulently obtained, or on such as were executed by children of an age incompetent to give validity to any contract whatever. It is therefore the opinion of the Governor, that the respectable Mahomedans who have addressed him on this interesting subject have prematurely and unnecessarily taken alarm. At the same time he desires me to assure you, that the honourable the recorder, as well as the magistrates, are with himself fully disposed, and do give every consistent consideration to the religious usages and even prejudices of the various classes of the inhabitants on this island, that they are aware of the policy of preserving due subordination from the inferior to their superiors, and will enforce such whenever the claims of the superior are manifest and his conduct humane; and that, as the covenants existing between master and debtor are at present in many instances misapprehended, new and appropriate regulations shall be framed and promulgated, with due consideration to local usage and the mutual advantage to those who sell their labour in prospective, as well as to that of the master, and that the drafts of such regulations will be made known to Syed Hussain and others, before their being made public.

(signed) W. S. Cracroft, Acting Malay Translator.

Extract, Prince of Wales Island, Public Consultations, 4th May 1820.

The Honourable the President records the following minute on the subject of slave debtors, and the state of persons of that description in general, on this island.

MINUTE by the President.—I need not acquaint the Board that a custom obtains at this settlement which has always prevailed in every Asiatic country, and indeed sometimes extensively in Europe, of persons mortgaging their labour and services in consideration of a sum advanced, for which they become debtors to persons advancing the sum; but some recent instances which have come to my knowledge, of abuse on the part of the masters of such debtor servants, render me desirous of proposing certain regulations for the purpose of protecting and ameliorating the condition of this class of people, and of preventing an usage which we have sanctioned, from becoming a means of perpetuating and extending all the evils and horrors of slavery only under a different appellation.

That a person may dispose of his services, prospectively to another, no one ever doubted; but by the voluntary servitude to which he subjects himself, he forfeits no rights but such as are necessarily included in that servitude, and is obnoxious to no punishment, but such as a voluntary failure in the service may be supposed reasonably to require. Those persons, however, who possess debtor servants on this island are often inclined to look upon them in a state of unconditional servitude, in which

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which, of course, no person can put himself or be placed by others; they also consider mere maintenance as an equivalent for the labours of the servant, and seldom look upon the sum originally advanced as affected or reduced in any degree by his services, whatever may have been their fruits or their length. This is manifestly unjust.

The practice as now allowed is also liable to many other serious abuses. Children and minors may be transferred as debtor servants by people who have perhaps kidnapped them at the other islands. They may be transferred by their parents upon the payment of a trifling sum, without any compact as to the nature, degree, and duration of the servitude, and be thus placed in a state little short of absolute slavery. Further, the ends of the parents on such occasions may be directed to their own advantage, and not to the benefit of the children, which is of course unjustifiable; and young women may be thus delivered over to the absolute disposal and caprice of a private master, and their labours converted into the means of gratifying his lust or avarice.

Under these circumstances I would beg to propose, that from and after this date the following regulations be adopted and furnished to the magistrate, for his guidance in respect to debtor servants, and their masters or mistresses:—

1st.—All contracts or papers binding persons to serve in the capacity of debtor servants, shall be acknowledged by the contracting parties respectively, before the magistrate; shall be drawn out in English and Malayan languages; and after being regularly numbered and set down in a register, to be kept at the police office, shall be delivered to the master and servant, stamped with the official seal of the office.

2d.—The contracts or papers so registered, shall specify, as far as possible, the nature and degree of the service to be performed by the debtor, and always fix a definite term of servitude, with the sum, which shall tend towards the monthly liquidation of the money advanced to him or her. These articles to be determined by the contracting parties, before the magistrate, who will of course regulate and controul them according to reason and justice.

3d.—No youth of either sex under the age of 14 years, shall be deemed competent to enter into a compact for future services, unless with the consent of persons who prove that they are authorized by nature or law, to contract for him or her; and that they are engaging such youth with a view to his or her benefit, and not to that of their own; and no minor's term of servitude shall be engaged to extend, if a male, beyond the period of his attaining the age of 21 years; or if a female, beyond the age of her marriage, when such persons will be at liberty to renew their engagement, or otherwise provide for themselves.

4th.—In the case of females so bound or apprenticed, their contract or debt shall be immediately cancelled by the magistrate, in every instance of its being subsequently proved before him, that the master has cohabited with her, or that he or her mistress has been in any manner accessary to her prostitution, such master or mistress will of course be further punished according to law.

5th.—Whenever it shall be proved to the satisfaction of the magistrate, that any debtor servant has not been provided with proper food, clothing, or habitation, by the master or mistress, or has been otherwise treated with inhumanity or cruelty by him or her, the contract or debt of such servant shall be immediately cancelled, in addition to such other punishment as the magistrate may legally inflict on the master or mistress.

6th.—In case of the death of the master or mistress, the debtor servant shall have the option of repaying to the estate such sum as the magistrate may conceive equitable for unexpired services, or serve out the remaining period with the executor or legal representative; and no such debter servant shall, without his or her own consent, be removed from the island, or be transferred to another person by his master or mistress, unless the terms of his contract included such condition.

7th.—The children of all female debtor servants are free; but if the father or mother be unable, and the master or mistress of the female debtor servants undertake formally before the magistrate to support such offspring, they shall be entitled to the gratuitous services of the children so supported, until they obtain the age of 16 years, as a recompense for the expense incurred in their maintenance.

8th.—If a debtor servant fails to serve his or her master or mistress with fidelity, or has become neglectful from improper and vicious habits, or if he or she occasions any detriment or injury to his or her mistress, the magistrate, on such being

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proved to his satisfaction, shall punish him or her in the same manner as the law provides in the case of a common servant so offending.

9th.—The above regulations shall be translated into the different native languages, and shall be always read at the police office to all parties contracting for services, before the papers are signed and sealed.

Over all the Eastern countries with which we are acquainted, slavery has prevailed from time immemorial, and although the supreme government at a very early period, as may be seen by Sir William Jones's charge to the Grand Jury at Calcutta in 1785, denounced the traffic in slaves, and positively prohibited their sale, yet the system of slavery is found to be so interwoven with the manners, customs and usages of our Mahometan population, that the continuance of domestic bondage or slavery has never been abolished. When Soyod Hussain and Sayed Jaffer first came to reside at this settlement, in July 1792, Captain Light appointed hakims, or native notaries, to keep a register of slaves; and the supreme government aware that the above named persons were of Arab extraction, and of course possessed of a numerous band of slaves, approved of Captain Light's promise to them of not interfering with such followers, as well as of his appointment of hakims. A register of the sale and transfer of slaves was thenceforth always kept at this island by an officer of government, who collected a duty on the value paid for them until the year 1808, when the promulgation of the highly philanthropic laws of our European legislative authorities, induced the government to nominate in September of that year, a committee of European inhabitants, for the purpose of considering the most eligible mode of abolishing slavery. The report of that committee, from which the then police magistrate, Mr. M'Quoid, dissented, urged an immediate emancipation of all slaves, by rendering and denominating them debtor servants to their owners. As numerous difficulties opposed such an arrangement, the only measures then adopted, were to discontinue the registry of the sale and transfer, and to issue a positive order against the further importation of slaves into this island.

Abhorrent, and justly abhorrent, as is the very name of a slave to the feelings of a Briton, yet to promulgate an order directing the immediate emancipation of all slaves at this island, would assail the feelings, interest and peculiar prejudices, and would arouse the worst passions of the whole of the Mahometan inhabitants, which compose by far the greater portion of our population; nor would the ends of such a decree be attained, for its publication would either expel most of the Mahometans from the island, with their women and slaves, or set free a number of persons incapable of obtaining or labouring for their livelihood, who would be forced into every species of want, misery and vice. It can be hardly necessary to enter into long arguments to shew the difficulty of abolishing slavery, since the most able and strenuous advocates for the abolition of the slave trade in the British House of Commons, always deprecated the danger and impolicy of thinking to emancipate slaves before their moral condition was so far improved as to render them capable of enjoying freedom. In India, where slaves, and particularly where female slaves are joined to all Mahometans on the most intimate domestic connections, the difficulty is ten-fold enhanced, and has therefore always prevented our most enlightened Governors General from interfering in any degree with the system of domestic bondage, as it exists throughout the Company's territories in Hindostan.

Although however it be allowed, that it would be as inconsistent with true benevolence as with policy, to issue an order proclaiming an immediate emancipation of all slaves, yet it must be remembered, that a British court of justice, which has entire jurisdiction over this island and its dependencies, can never recognize such a being as a slave; and that this government has not the power of framing express regulations concerning slavery. This difficulty can be obviated only by our suggesting to the magistrate to regard persons brought before him as slaves, under the denomination of debtor servants, and to apply the foregoing regulations, and the principles on which they are founded, to such persons and their owners, as far as circumstances will admit. Of course, this arrangement cannot have operation on any person who was not actually registered as a slave before the publication of the order prohibiting their importation; and it should be a standing rule with the magistrate, to afford to all slaves brought before him the liberty of redeeming themselves, by paying to their owners a valuation regulated according to their relative age, condition, and length of service. The foregoing regulations should also be made applicable to all cases brought before the magistrate, concerning such persons as are now under the condition of debtor servants at this settlement.

I trust,

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I trust, that by such an arrangement we shall not assault too abruptly the feelings and prejudices of our Mahometan inhabitants, while it will prevent the extension of slavery, secure to persons in that unfortunate state proper protection and an amelioration of their condition, and lead to a gradual emancipation of all slaves.

A general registry of slaves has been considered by eminent men in Europe, as the most effectual mode of preventing the further introduction of slaves into our settlements; this subject has been anxiously considered by me, and without reference even to what I have before stated, namely, the incompetence of this government to legislate at all on slavery, or to order any registry of slaves, my conviction is, that such a plan is incapable of effectual adoption among Mahometans, who would as soon murder as expose their women slaves to the officers we might appoint to register their names and description, while any return or account (could we even obtain such from them) which they might tender to the police office concerning their slaves, would be delusive and wholly inefficient towards attaining the ends proposed by a registry.

St. George's day. (signed) *W. C. Phillips.*

Resolved,—That the rules laid down in the above minute be formed into a regulation, and that regular indentures of apprenticeship and debtor service be on all occasions prepared at the police office, the registrar of such papers being authorized to levy a fee of one dollar on the former, and half a dollar on the latter.

Extract of a public Letter from the Court of Directors to the Governor and Council of Prince Wales Island, dated 23d April 1823.

Letter from Prince of Wales Island, 24th August 1820, (165 a 167,) refer to regulations which have been passed in regard to the custom of debtors serving as slaves, which practice had prevailed amongst the Mahometan inhabitants of the settlement, since the abolition of the slave trade in the year 1806.

Par. 33.—These just and humane regulations have our cordial approbation.

PAPERS respecting the seizure of some persons from Malacca by the Malays, who carried them into slavery; and their subsequent emancipation from slavery at the request of the Prince of Wales Island government.

Extract of a Letter from the Governor in Council of Prince of Wales Island, to the Court of Directors in the Public Department, dated 6th May 1815.

Cons. 11th March.

209.—Having lately received from the resident at Malacca, a report of several persons belonging to that settlement having been seized in boats, by pirates belonging to the neighbouring country of Perah, and carried into slavery there, we thought it proper to dispatch the Hon. Company's cruizer Thetis, with a demand for their liberation.

210.—We also warned the rajah against the practice of seizing individuals for the purpose of extorting a ransom for their liberation, and advised him that none would in the present case be allowed, and that we expected the immediate release of the parties.

211.—The Thetis returned from this service on the 8th April, and brought one of the persons who had been seized; but her detention at Perah having been limited to four days, the laxamana gave to the commander of the cruizer a promise that the remainder should be sent back without delay.

212.—This promise has been fulfilled; and we have given orders for sending the liberated individuals to Malacca without delay.

Extract, Prince of Wales Island, Public Consultations, 11th March 1815.

Resident at Malacca to W. A. Clubley, Esq. Secretary to Government, Prince of Wales Island.

Sir:—I have the honour to acquaint you, for the information of the Honourable the Governor in council, that I received a few days ago a letter under date the 6th instant, from Mr. Caunter, the police magistrate at the presidency, intimating that two inhabitants of this settlement, viz. Abraham Fradick, a native Christian, and Cassim, a Malay, who had been lately captured by the pirates and carried to

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Perah, had arrived at Penang, where the deposition of the former had been taken before W. E. Phillips, Esq. (of which he transmitted me a copy), and acquainting me that a passage had been taken for the deponent and the Malay man on board the brig Swan, for this place, where they have arrived safe, and prove to be two of the men mentioned in my letter of the 9th instant, as having been carried off from hence by the pirate prows with which the boats fitted out here had an action at the entrance of Lingey River, on the 14th of last month. The four other men, mentioned in the aforesaid deposition as being still detained as prisoners at Perah, are likewise inhabitants of Malacca, and were captured by the above pirates about the same time; their names are as follow: Carim, a Malay; Sie Adam, ditto; Sie Baman, a Malay lad; and Joaquim, a Portugueze boy.

Mr. Caunter likewise transmitted me a note in the Malay language, addressed to Mr. Koek, of this place, by the lacsemana of Perah, stating, that the pirates having brought there six Malacca people whom they had captured, he had redeemed them for the sum of 120 Spanish dollars, and was ready to restore the four remaining with him on the payment of that sum. It however appears but too evident, that the lacsemana himself must have either been directly concerned in the piracies which have been recently committed in this neighbourhood, or at least that he considers the conduct of the pirate Naquedah Kooloop, who captured the Malacca men, and who resides under his own immediate authority, as no punishment; but on the contrary agrees to pay him for the prisoners thus brought in. Under such circumstances, I conceive, that to pay the ransom required is quite out of the question, as it would prove the direct means of encouraging such acts of piracy in future; however, it will be for the Honourable the Governor in council to determine what further steps are proper to be taken on the present occasion.

Finding that I omitted to mention in my letter of the 9th instant the names of the three principal pirates who were killed during the action of the 14th ultimo, I now beg leave to insert them, viz. Pangalima, Gobar, Long Kagoo, and Boosoo.

Malacca, 25 February 1815. I have, &c.
(signed) *Wm. Farquhar*, Resident, &c.

The Board considers it proper, that a demand should be made without delay on the rajah, to ensure the liberation of these persons, and that for this purpose the Honourable Company's cruizer Thetis should be forthwith dispatched to Perah.

The demand of a ransom is, in the opinion of government, quite inadmissible, and in the letter which is to be written the same should be expressed in forcible terms, and the necessity of ensuring the release of the parties impressed on the rajah's attention.

Ordered, that the Malay translator do prepare the draft of the letter to the rajah, and submit it with the translation, to government as early as possible.

Extract, Prince of Wales Island, Public Consultations, 17th March 1815.

Approved the following letter to the rajah of Perah, on the subject of the reference ordered to be made to him last council, viz.—

To the Rajah of Perah.

After compliments;

It is with regret I find myself so soon again called upon to address my friend on the subject of fresh piracies committed by the bad men of Perah.

My friend professes his inability to controul the acts of his principal officers; but I cannot admit of this as a sufficient excuse, and unless unequivocal satisfaction be afforded to me of my friend's earnest desire to punish such, whensoever they are discovered, I shall be compelled to regard him as abetting their piracies, and must resent them accordingly.

I desire then, that without any delay, the four persons named Kareem, Sie Adam, Sie Baman (a lad), and Joakim, the three first Malays, and the last a Portugueze boy, all of Malacca, now in the possession of the lacsamana of Perah, may be forthwith delivered to the bearer of this, Captain Reynolds, of the Honourable Company's cruizer Thetis. I also desire, peremptorily, that Nakooda Kooloop may be delivered up to Captain Reynolds, in order that a judicial investigation may take place, how far he may be guilty of the seizure of those people, and that he may meet with the punishment which his audacious atrocities merit.

(signed) *Wm. Petrie.*

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Ordered, That the Thetis be accordingly dispatched on the service, and that the following instructions be issued to the commander, viz.—

To the Commander of the Thetis Cruizer.

N° 54.—To Lieutenant Reynolds, acting in command of the H. C. Cruizer, Thetis.

Sir:—Upon receipt hereof you are directed to weigh your anchor, and proceed through the South Channel, down the Straits, as far as the entrance of Perah river, where you will anchor the brig, and proceed in person up the river to the king's residence, with the letter to his address, which is inclosed, and of which for your more particular information I forward you a translation.

The object of your proceeding to Perah is pointed out in that letter; and as you will be at liberty to take with you an interpreter, you will explain to the rajah the necessity of his releasing the people without delay, and causing them to be given into your charge.

You are at liberty to take with you either a boat from hence fit for going up the river, or you will procure a suitable one on your arrival for that purpose, the expense of which will be defrayed by government. You will take care to go up well manned and armed, but on no account to exhibit any hostile intention; but on the contrary to be as civil as possible, and to endeavour by conciliation to persuade the rajah to the necessity of releasing the people in question. On receiving the men you will return with all practicable expedition, and report your proceedings; but in the contrary case, if the rajah or his ministers should decline to deliver them, you will merely ask in civil terms a reply to that effect, and return with the letter.

The 20th March. I am, &c.

(signed) *W. A. Clubley*, Secretary to Government.

Extract, Prince of Wales Island, Public Consultations, 13th April 1815.

Commander of the Hon. Company's Cruiser Thetis, to W. A. Clubley, Esq. Secretary to the Government, Prince of Wales Island.

Sir:—I have the honour to acquaint you, for the information of the Honourable the Governor in council, with the return of the vessel under my command. Having weighed, agreeably to the general instructions received at this presidency on the 20th March 1815, under the same date, I proceeded through the southern channel, towards Pera river, with the government boat in company, where I arrived on the 24th; but having during the passage experienced heavy squalls, I thought it much better to moor the vessel under the shelter of Pulo Ding Ding, than to be exposed to the open sea in shoal water; and in consequence moored her between the island and the main; and during the vessel's stay there had experienced severe squalls from different points of the compass.

On the morning of the 25th, I left the ship in the above boat, with the Malay man and the interpreter, and proceeded up Pera river, and on the 28th, at sun-set, arrived at the residence of the rajah, when he came to the boat, and I presented him with the letter, which he declined taking until he had assembled the whole of his ministers, which took place on the morning of the 30th, when I presented him with the letter; and immediately on his receiving it, a salute was fired of five guns; and after perusing the letter, he informed me, that only a Portuguese boy was there at present, and the three Malays had been employed by some Chinamen to go into the country for paddy, and that Nakoda Kooloop and a Malay had been sent to Malacca.

I then told him the necessity of releasing those men, and to be delivered into my charge as soon as possible; but finding that they really were in the country, and I could not wait their return, in consequence was obliged to leave them behind.

The rajah then informed me, that none of them had yet been sold, but were all under the charge of the lacksamana; and if I could not stay until these three Malays returned, he would send them to Penang as soon as they did return.

On the 2d of April I received the Portuguese boy, and the inclosed letter from the rajah of Pera, those three Malays still being in the country, and my time being expired, I took my departure, and proceeded down the river with the boy and the interpreter, and on the 5th arrived on board. The weather being unfair, and the boat's crew, consisting of thirty men, being greatly exhausted, I waited till the

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next morning at daylight, then weighed and proceeded towards Penang; and on the 7th, at sun-set, anchored four miles to the southward of Pulo Ramo, and at daylight next morning weighed with the ebb-tide, and a light northerly air, and proceeded up the southern channel, and at two P. M. anchored in Penang harbour.

I have, &c.

(signed) *R. Reynolds*, Lieutenant commanding.

H. C. C. Thetis, 8th April 1815.

Mr. Phillips lays before the Board the following translation of a letter from the Rajah of Perah, on the subject of the mission for which the Thetis was sent there.

RAJAH OF PERAH.

Translation of a letter from the Rajah of Perah, dated 23d of Rubee Oolakhir 1230, or 4th of April 1815.

After compliments;

I have received my friend's letter by Captain Reynolds, of the cruizer Thetis, in safety, and have understood its contents; my friend writes, that the Perah people are pirates, and receive bad people, and carried away four Malacca people, particulars which have greatly astonished me, as I had no knowledge whatever of such, and I myself never harboured any pirates. I have made inquiry regarding the four Malacca men, with the lacksamana, and find that they were not taken by Pera men, but by a Lanoon, named Palernabraheem, who brought them into Pera. The lacksamana, finding that these people belonged to Adreeng, of Malacca, took them from the Lanoon. Two men he sent by a Chinese boat, with a letter to Adreeng, intimating, that if he would send a trust-worthy person to receive the four, they would be delivered, but for as long a time as has since elapsed, no answer has been received; at present a letter arrives from my friend, demanding these four people. Three of them having gone in quest of a livelihood, I begged the captain of the vessel to give me five or six days in order to procure them, for I am now in the deepest affliction; but he would not consent to this. The Portuguese boy named Joakim, I have delivered to him, and if the others come, I shall send them also to my friend in the month of Joomadooluval (May). If I do not send them, the shahbundar and lacksamana assuredly will, at the farthest, before the end of the above month. I beg of my friend to send two vessels of war to Pera, to guard this neighbourhood, for nothing can be more abhorrent from my disposition than to join in such wickedness, though it were with my nearest relation or dearest friend. I have further now to add, that some time ago I sent to my friend a confidential messenger, Nakhoda Mohummud, bearing a letter and complimentary present of four pieces of tin, and five large bundles of rattans; have they reached my friend? At present I have nothing to offer him but two pieces of tin, and two large bundles of rattans, which though unsuitable, I hope my friend will accept, as a token of the purity of my mind, and sincerity of my friendship.

(A true translation.)

(signed) *J. M'Innes*, Acting Malay Translator to Government.

Ordered, That the necessary information be sent to the resident in Malacca, in reply to his reference on this subject, that the boy who has been released be sent to Malacca, and the others, in like manner, when they may be liberated.

Extract, Prince of Wales Island, Public Consultations, 21st April 1815.

The Honourable the Governor lays before the Board the following translation of a letter from the Lacksamana of Pera:

Lacksamana of Pera.—Translation of a Letter from the Lacksamana of Pera to the Governor, dated 5th Jumudooluval 1230.

After compliments;—The subject of this letter is the Malacca people who were taken by the Lanoon Pangleema Ibraheem, and brought by him into Pera. Having on inquiry found that these six people belonged to Peter Adrung, at Malacca, I received them, and dispatched two in a Chinese boat, with a letter to Peter Adrung, telling him that there still remained four people with me, and requesting that he might speedily send to Pera some trust-worthy person for the purpose of receiving

receiving them; but no answer has in all the time which has since elapsed reached me. In the mean time the governor sends a vessel of war, under Captain Reynolds, with a letter to his majesty the king of Pera, to demand these four people. Three of them being at that time in quest of food for themselves, the king sent by Captain Reynolds the Portuguese boy named Joakim, promising, in his letter to the governor, that the three remaining people should be sent to Penang in this month; accordingly, I now send the three men in question by the boat of a Chinese, named Booto.

(A true translation.) (signed) *J. M'Innes,*
Acting Malay Translator to Government.

The Board has much satisfaction in observing, that the persons for whose liberation from slavery the Thetis was lately sent to Pera, have been all released.

Agreed, That a copy of the above letter be sent to the resident at Malacca, and that he be informed, that the persons alluded to, with the boy Joakim, formerly released, will be sent to Malacca by an early opportunity.

Extract, Prince of Wales Island, Public Consultations, 27th May 1815.

Resident at Malacca to W. A. Clubley, Esquire, Secretary to Government, Prince of Wales Island.

Sir:—I have the honour to acknowledge the receipt of your letter, under date the 17th ultimo, relative to the measures the Honourable the Governor in council had deemed it advisable to pursue, for obtaining the liberation of the four remaining captives belonging to Malacca, detained by the lacksamana of Pera; and it affords me the greatest satisfaction to acquaint you, for the information of government, that these poor people all arrived here safe in the Charlotte brig the day before yesterday, and have been sent back to their afflicted families.

They all agree in affirming, that they were captured by people belonging to Pera, and not by Lanoons, as stated in the Rajah of Pera's letter to the Honourable the Governor in council.

I have, &c.
(signed) *W. Farquhar,* Resident, &c.

Malacca, 11th May 1815.

Extract of a Letter from the Court of Directors, to the Governor in council of Prince of Wales Island, in the General Department, dated 3d of July 1817.

Letter from Prince of Wales Island, dated 6th May 1815 (209 to 212.)—The Company's cruizer Thetis, dispatched to Perah, to demand the liberation of several persons belonging to Malacca, seized in boats by pirates, and carried into slavery. The persons in question delivered up in consequence.

Par. 56.—We also approve of the measures you adopted for procuring the release of the several persons belonging to Malacca, who were piratically seized and carried to Perah.

57.—Malacca being now (as we conclude) restored to the King of the Netherlands, conformably to the treaty, the local government of that state will, of course, exercise its own right of interference with the neighbouring chiefs, in the event of any occurrence of a similar nature to that in question hereafter taking place there.

Extracts from the Prince of Wales Island Consultations of the Year 1806, relative to the provisioning and treatment of some Dutch Slaves found in Malacca.

Extract, Prince of Wales Island, Public Consultations, 27th February 1806.

A letter from Captain Farquhar, dated 14th instant, enclosing the following particular statement of the quantity of rice and provisions each individual receives in garrison at present, which is used to the European soldiers, being paid for by them at a fixed sum monthly, as appears in their pay abstracts; viz.—

Ratio of Provisions issued to one Man, Europeans and Natives, for one Day, in the Garrison of Malacca, made out conformable to General Orders:

Europeans.—To Serjeants, Drummers, Rank and File.

Rice, ¼.	Salt beef, 1 pound.
Arrack, 2 drams.	Or fresh, 1½ d°.
Salt, $\frac{1}{16}$ measure.	Firewood, 5 billets.

Natives.—Bengal M. Regiment, Madras V. Battalion.
Gun, Tent, and Store Lascars.

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To Commissioned, Non-commissioned, Drummers, Rank and Files, &c. &c.

Rice, 1 seer.	Pepper, $\frac{1}{4}$ ditto.
Salt, $\frac{1}{10}$ measure.	Chillies, $\frac{1}{4}$ ditto.
Dholl, $\frac{1}{8}$ ditto.	Turmaric, $\frac{1}{8}$ ditto.
Ghee, $1\frac{1}{2}$ pollam.	Garlic, $\frac{1}{8}$ ditto.
Tamarind, $1\frac{1}{2}$ ditto.	Onions, $\frac{1}{8}$ ditto.
Tobacco, 1 ditto.	Salt fish, 2 ditto.
Buttonutt, $\frac{1}{2}$ ditto.	

Dutch Slaves and Convicts.

Rice, 1 seer.	Salt, $\frac{1}{10}$ measure.
Pepper, $\frac{1}{4}$ pollam.	Lamp oil, $\frac{1}{4}$ pollam.

Puckallie attached Madras E. Regiment.

Rice, - - - 1 seer.

Puckallie attached Madras E. Artillery.

Rice, - - - 1 seer.

Malacca Native Infantry.

To Commissioned, Non-commissioned, Rank and File.

Rice, - - - 1 seer.

(signed) *S. R. Brown*, Lieut. and Commiss^{y} of Provisions.

Resolved, That Captain Farquhar be informed, in reply to one of his letters of the 14th instant, that from the time of the intended relief of the garrison of Malacca, the Dutch slaves and convicts receive the same allowance as the people of that description at the presidency, a statement of which must be furnished to the commandant; and that Captain Farquhar be requested to transmit, as early as convenient, a list of the Dutch slaves and convicts, with their mode of employment.

Extract, Prince of Wales Island, Public Consultations; 10th April 1806.

Read the following Letter from the Commandant at Malacca, viz. to G. S. Pearson, esq. Secretary to Government, Prince of Wales Island.

Sir:—I have herewith the honour to transmit for the information of government, a list of the Dutch slaves and convicts at this place, specifying the manner in which they are at present employed, together with their monthly pay and daily allowance of provisions.

From the difficulty of procuring servants at Malacca, the officers of the garrison have been permitted to employ a proportion of the Bengal convicts, as particularized in the list.

The convicts condemned by the fiscal, are generally in heavy irons, and employed at the public works during the period of their sentence.

The Dutch slaves, of which by far the greatest part are women, children, or old and infirm men, are employed as set forth in the roll.

Mr. Beggle, who is in charge of the whole, and who does not draw any allowance for his trouble, has been permitted to employ such of the female slaves and others, not immediately fit for hard labour, on his own account in cutting grass, and supplying firewood, &c. for the use of the garrison.

The present pay and allowances of the Dutch slaves, being much less than what the honourable Company's Caffrees receive at the presidency, I have deferred issuing the orders of government, under date the 27th February, placing them upon a footing with that description of people, until the further pleasure of the honourable the governor and council shall be known. If it should be judged expedient to make any alteration in the present allowances, I would recommend, that they may be permitted to draw the same as directed for the Bengal convicts, only that they should be served with clothing once every six months, as at present.

I have the honour to be, Sir, your most obedient humble servant,

(signed) *Wm Farquhar*, Captain Commissioner, Malacca.

Malacca, 27th March 1806.

List of the Company's Slaves and Fiscal's Convicts at Malacca.

MEN.

Didu, Gany, Cumbang, } Black Mandoors.
Abim,
Nama,
Dingal,
Moeda,
Portlee,
Cledde,
Dappat,
Kinkum,
Sapty, very old and infirm,
Owanka,
Fingal,
Seeding,
Sallee,
Amat, Lutus, } Little boys.

18 men Slaves.

Talip,
Maccao,
Achmet Lebbi,
Owanga, Sedding, } Fiscal's convicts.

FEMALE SLAVES.

Onjar,
Cambang,
Sanie,
Mannis,
Mayin,
Malatte,
Pangadowang,
Salussee,
Senning,
Bissee,
Sayda, a child,
Mulutte, blind,
Crissi, Biba, Cammis, } Very old and infirm,
Berray, Fiscal's convict.

16 female slaves.

39 men and women.

The three black mandoors receive seven fanams six doits; the other men and convicts, four fanams seven doits, and the women, one fanam and nine doits each per month, together with one seer of rice, one fourth Pollam pepper, one fourth Pollam oil, and one sixteenth measure of salt each per day; clothing once in six months, at the rate of one Spanish dollar and two fanams for each man, and one Spanish dollar ten fanams and eight doits for each woman.

The men under charge of a European mandoor are employed in cleaning the fort, government house, barracks, sinks and sewers, and other public places, repairing the streets, &c.; and the women in cutting grass for the Company's buffaloes, attending in the scavengers carts, dressing the victuals for the people, and attending the old and infirm slaves, &c.

Malacca, 22d March 1806. (signed) *J. L. Beggle.*

List of Bengal Convicts.

Madomette, Goor Chan, Sappal Ram, Nilla Dass, Mudan Gass, } Employed about the Government House,
Badirnat Bagdy, Hingam Ray, Iagodas, } D° Lieutenant Brown,
Ragonat, d° Lieutenant Hadwen,
Annos Gass, d° Lieutenant Yates,
Coodie Ram, with Lieutenant Steiner,
Chandu Tagoor, Madan Serkar, } Mr. Surgeon Loftie,
Palla Ram, with Mr. Beggle,
Badinat,
Rumsay,
Soenuttan, at the Public Works,
Gole Targoor,
Dookoo,
Bano women.

20.—Bengal convicts receive eighteen fanams each per month, and one sier of rice, one fourth Pollam pepper, one fourth Pollam oil, and one sixteenth measure of salt each per day; clothing every six months to the value of five Spanish dollars each; those who are not employed by the above gentlemen, attend the scavengers carts, and do duty together with the Company's slaves, under the direction of the European mandoor.

(signed) *J. L. Beggle,* in charge of the convicts.

Malacca, 22d March 1806.

Ordered, That the commandant be directed to make such issue of clothing and provisions to the slaves and convicts, as he may seem conducive to their comfort, not exceeding in expense that granted the same description of people at the presidency.

Prince of Wales Island Papers: State of Slavery in Company's Territories.

OPINION of the Recorder in 1821, as to the legality of apprehending and sending back to Malacca a runaway slave.

Extract, Prince of Wales Island, Public Consultations; 29th Nov. 1821.

Read a letter, with its enclosure, from the governor of Malacca, requesting that a runaway slave from thence, brought away by the commander of the ship Gloucester, may be apprehended.

Resolved, That the honourable the recorder be requested to give his opinion, whether the slave in question can legally be secured, and sent back to Malacca.

Extract, Prince of Wales Island, Public Consultations, 13th December 1821.

Honourable the Recorder to W. A. Clubley, Esq. Secretary to Government.

Sir:—I have the honour to acknowledge the receipt of yours of the 30th November, with a copy of a dispatch from the governor of Malacca. I am not acquainted with the Dutch language, and therefore if there should be any circumstance in that part of the dispatch which varies the question submitted to me, from the governor of Malacca's letter in French, I should wish to have a translation of it; but as it is not probable, I do not delay my request, that you will communicate to the Honourable the Governor in council, that in the absence of any treaty, I am of opinion that the slave in question cannot be legally secured and sent back to Malacca.

I have, &c.
(signed) *Ralph Rice.*

Prince of Wales Island, 2d December 1821.

The Secretary reports that the governor of Malacca was advised of the above.

FORT ST. GEORGE PAPERS.

PAPERS relative to a Slave Girl, the property of John Clapen Bolt, an inhabitant of Bimlipatam, 1787.

Extract, Fort St. George, Public Consultations, the 9th March 1787.

Read the following letter from the acting resident at Bimlipatam, with the papers accompanying it.

Charles Nicholas White, Esq. Secretary.

Sir:—I have been favoured with a letter from Mr. Deputy Secretary Clerk, enclosing the orders of the honourable the President in Council for registering vessels at the port of Bimlipatam.

Herewith I enclose copy of a letter to me from Mr. Dormieux, provincial Dutch chief at Bimlipatam, with copies of papers relating to the subject of it, and have to request, that you will lay them before the governor at a convenient opportunity.

Bimlipatam, 24th February 1787. I am, &c.
(signed) *John Snow.*

To John Snow, Esq. Resident on behalf of the Honourable English Company at Bimlipatam.

Sir:—I am sorry that I am drove to the necessity of addressing you in this public manner, in order to represent to you the danger for the community here in keeping any longer at this place the person of John Clapen Bolt, who wrote me about one o'clock a letter, and on my declining to receive it, he sent the enclosed chit to Captain Kingsmill. I do not know his intentions in it; but as he is known to be of a very bad character, as well from what happened before as his conduct ever since, I think it necessary to acquaint you of it, as being in a public character here; and since the said Bolt, though a prisoner under the rajah's amaldars, is so improperly guarded, I request that you will be pleased, for the common safety, to have him secured and sent to a place where he may be taken care of.

Bimlipatam, 23d Feb. 1787. I am, &c.
(signed) *John Marks Dormieux.*

To Captain Kingsmill.

Sir:—If you have those pistols that I saw this morning to dispose of, pray let me know, as there was a person yesterday in my house who wanted a pair very much.

Yours, &c.
(signed) *Bolt.*

To Claud Russell, Esq. Chief and Council at Vizagapatam.

Gentlemen:—I have taken the liberty of ordering two sepoys, belonging to the guard put over Doctor Martin's effects, to conduct John Clapen Bolt to Vizagapatam, who it appears caused the death of a slave girl by cruel and improper correction.

Herewith you will receive the declaration of a surgeon who examined the corpse, also the deposition of a person in the Dutch service, who was called upon by the prisoner's wife to intercede for the deceased. Two other persons will give depositions when you are pleased to require their attendance. One saw the prisoner beat the deceased at nine o'clock in the morning, and the other at three in the afternoon.

I also send to you, under charge of the sepoys, two coolies employed by the prisoner to beat the deceased with a stick, which the sepoys will deliver to you.

I am, &c.
(signed) *John Snow.*

Mr. John Snow.

Sir:—I am ordered by the chief and council to acquaint you, that they have received your letter of the 1st instant, accompanied with a prisoner, who had caused the death of a slave girl by cruel and improper correction; but as he belongs to the Dutch factory, and is under their protection, the prisoner is now returned to you, that he may be delivered over to the Dutch government, to whose authority he is amenable.

Vizagapatam, 2d Sept. 1787.

I am, &c.
(signed) *F. H Drake*, Secretary.

Dirk Wrymoet, Esq. &c. &c. &c.

Sir:—In conformity to the orders of the chief and council of Vizagapatam, communicated to me by a letter from their secretary, of which a copy is enclosed, I send you, under charge of two sepoys, John Clapen Bolt.

A deposition and a declaration respecting the prisoner are inclosed.

Bimlipatam, 4th Sept. 1786.

I am, &c.
(signed) *John Snow.*

To Claud Russell, Esq. Chief and Council at Vizagatam.

Gentlemen:—We have the honour to transmit to you a copy of the letters we received yesterday from Mr. Snow, with the person of John Clapen Bolt, whom we have immediately delivered over into the custody of the amuldar of this place, with the declaration and deposition to his charge, to act further with him as the rajah may think proper, since the said Bolt is neither a subject of the Netherlands, nor has now or ever been, for what we know, in our Company's service; neither can he be considered under our protection at present, as he latterly came from Calcutta, by chance here, with an intention to proceed to Madras; and as the act laying to his charge was committed out of our jurisdiction, the only thing we could do for the peace and safety of the community here was, to have the corpse examined by a surgeon, and to give cognizance of the whole affair to Mr. Snow, the only one of your Company's civil servants, to whom also the declaration of the surgeon was delivered, with a deposition of one of our Company's servants.

As we do not think ourselves authorized to interfere any further than we have already done in this disagreeable business, we esteem it incumbent on us to acquaint you of it, in order to avoid all responsibility respecting it.

Bimlipatam, 5th Sept. 1787.

We have, &c.
(signed) *Dyk. Vrymoet.*
John Marks Dormieux.

Fort St. George Papers: State of Slavery in Company's Territories.

It appearing that John Clapen Bolt, who is charged with having caused the death of a slave girl by cruel and improper correction, is not a subject of the Netherlands, and from a wish that an offence of so flagrant a nature should not pass unregarded;

Resolved, That the chief and council be directed to secure the person of Bolt, and to inform this government, where the death of the slave girl was occasioned, and whether the man is a British subject, or has ever been employed in the service of His Majesty, or the English East India Company.

Diary, 11 March.

Sent the following letter to Vizagapatam :—

To Claud Russell, Esq. Chief and Council at Vizagapatam.

Gentlemen :—We have received a letter from Mr. Snow, with copies of other papers, on the subject of an European named John Clapen Bolt, who, from the depositions taken, had, it appeared, caused the death of a slave girl by cruel and improper correction. By your secretary's letter to Mr. Snow, dated 2d September last, you considered him, we perceive, to belong to the Dutch factory at Bimlipatam, and that he was under their protection; but the chief and council declare to you, that he is not a subject of the Netherlands, and had never been, to their knowledge, in the Dutch Company's service, neither could he be considered under their protection, and that the act laid to his charge was committed without their jurisdiction.

Under these circumstances, and from a wish that an offence of so flagrant a nature should not pass unregarded, and, if possible, to bring the offender to justice, we desire you will have the person of Bolt properly secured, and inform us where the death of the slave girl was occasioned, and whether he is a British subject, or has ever been employed in the service of His Majesty, or the English East India Company. We have, &c.

(signed) *Archibald Campbell* and Council.

Fort St. George, 11th March 1787.

Extract, Fort St. George, Public Consultations, 24th April 1787.

Extract, Letter from the Chief and Council of Vizagapatam, to the President and Council of Fort St. George, 6th April 1787.

We have the honour of acquainting you, that in consequence of your orders of the 11th inst. Jasper Bolt, accused of murdering his slave girl, and who has been in confinement under the rajah, (the crime having been committed within his jurisdiction, and the late Act of Parliament extending the English criminal jurisdiction not then existing), is now brought to Vizagapatam, and closely kept in the cutwal's choultry. By his own account it appears, that he was about eleven years in the Bombay marine service until the year 81; is a native of Hamburgh, and has been about two years married to a Dutch woman, the widow of a Dutch officer at Pulicat.

Minute,—Agreed, that the chief and council be desired to inform the Board what evidence there is of the guilt of Jasper Bolt, now under confinement at Vizagapatam.

Extract, Letter from the President and Council, to the Chief and Council at Vizagapatam, 28th April 1787.

Diary 28.

We have received your letter of the 6th inst. and desire you will inform us particularly, what evidence there is of the guilt of Jasper Bolt, now under confinement at Vizagapatam, on suspicion of murder.

Extract, Fort St. George, Consultations, 5th May 1787.

Extract of a Letter to the Governor General in council; dated 5th May 1787.

One Jasper Bolt, a native of Hamburgh, and not in the service of His Majesty, or the Company, was lately put under confinement by the chief and council at Vizagapatam, on suspicion of having murdered his slave girl at Bimlipatam. As this district has come into the possession of the Company since the year 1753, it appears he cannot be brought to a trial at the quarter sessions here under the charter jurisdiction; and we therefore request, that you will do us the favour of obtaining for us the opinion of the judges of the supreme court of judicature at Calcutta, whether he can be tried under the late Act of Parliament.

Extract, Fort St. George Consultations, 3d July 1787.

Read the following letter from Vizagapatam.

To the Honourable Sir Archibald Campbell, K. B. Governor in Council of Fort St. George.

Honourable Sir:—Enclosed we have the honour to send three depositions concerning the death of the slave girl, attributed to Jasper Bolt, at Bimlipatam. Mons. Robert, one of the declarants, it seems had left Bimlipatam long since, but the other, a Dutchman, is an inhabitant there, as well as Yelloo, the cooley. There was another cooley who could have given testimony, but having gone to Coriga before the late storm, it is feared he has shared the same fate with the unhappy inhabitants.

We have the honour to be, with great respect, Honourable Sir, your most obedient and humble servants,

(signed) *Claud. Russell.*
Charles Maxtone.
Joseph Baker.

Vizagapatam, 20th June 1787.

I, Frans Casperez, do declare, That on the 30th of August, about five o'clock in the afternoon, when I was at Mr. Pleyt's upon a visit, and was sitting in his bedchamber, I have been called by Captain Bolt's spouse; I went to her; she told me that one of her husband's fingers was got out of joint, and desired me that I would come and look at it; I asked her how it happened; she answered me, that it was the fault of the slave girl, who (she further said) therefore was punishing. I went to her husband to look at the accident, when I then saw into his yard that his slave girl was held fast by somebody at a tree, and had been struck by a cooley with a thin firewood, and he was standing by. After I looked at Mr. Bolt's finger, I would return back, but his spouse desired me to stay there, and to induce her husband to cease the striking, which I did; but Mr. Bolt gave no audience to it, and said to me, that she had been struck before much worse, and could also easily endure that punishment; upon which saying, I did not stay there three minutes longer, went out of his house to Mr. Pleyt, and while I was sitting there with a society, Mr. Bolt came likewise, after a quarter of an hour to Mr. Pleyt's, and a short while after, about half an hour after six, I quitted the company, and went to my house.

This declaration I do testify to be the truth.

(signed) *Frans Casperez.*

This first day of September 1786, appeared before us, Dirk Vymoet, chief, and Johannes Markus Dormieux, second, of this counting board, both committee members of the Honourable Council of Justice, at the coast of Coromandel, upon desire of the commissary of the English troops, Mr. John Snow, inhabitant here, the deponent mentioned in the declaration herebefore, which being here distinctly read before and explained word for word, he fully persists by his sayings, without any further alteration, and confirms the same with solemn oath, by lifting up his two fore fingers of his right hand, and uttering these following words, "As true, help me God Almighty."

This done, re-examined, and sworn in the united counting board, Bimlipatam, aforesaid date, in the presence of Messrs. Dirk Vrymoet and Johannes Markus Dormieux, committee justifical Members,

(signed) *F. Casperez*, in witness of *O' Hokens*,
by indisposition of the Secretary empowered to this.

Our presence committees,
(signed) *Dirk Vrymoet*, *J. M. Dormieux.*

The Declaration of Yelloo, a fisherman, and inhabitant of Bimlipatam.

That he was a servant to Mr. Plate, the secretary to the government of Bimlipatam; that one day after dinner he was employed in fanning his master, who had laid down to sleep; that the wife of J. Bolt came to the house, and desired the said Yelloo to go over the way to her house, which he refused to do without his master's permission, on which the said Bolt's wife asked his master's leave for the said Yelloo to go to her house, and obtained it; that he went to the house of the said Bolt with the wife of Bolt, and was conducted to a place, where he found Bolt and a slave girl, the latter tied up to a tree, and saw the said Bolt beat the girl with a stick; that having tired himself, he ordered this declarant Yelloo, to beat the slave

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girl, which he refused to do, but on Bolt's threatening to beat him, he complied, and taking a stick did give the girl several blows; that Bolt told him he did not strike her hard enough, and was going to beat him, but seeing an opportunity of getting away, he availed himself of it and escaped. *John Baker.*

This day, 31st day of August 1786, at nine o'clock in the morning, Mr. Ormond Torbert, surgeon at Bimlipatam, having received an order from Mr. Vrymoet, governor of that place, and from Mr. Dormieux, his second, to come to the house of the Sieur Bolt, to inspect the body of a caffree, who had died in the night; after opening it, I certify the following to be the cause of her death: That the negro having been tied up to a tree, the knees and breast bearing against it, received in that position a blow from a piece of wood upon her reins, which having unfortunately disjoined the third vertebre of the loins, and otherwise injured the kidneys; &c. was the cause of her death.

In witness whereof, I certify this to be the truth, at Bimlipatam.

31st August 1786. (signed) *Torbert.*

(A true translation.) (signed) *Thomas Chase*, French Translator.

Ordered, That the above letter do lie on the table.

Extract, Fort St. George, Public Consultations, 21st July 1787.

Sent in circulation, the following General Letter from Bengal.

The Honourable Sir Archibald Campbell, K. B. President, &c. Council of Fort St. George.

Gentlemen:—We have the pleasure to enclose extract of a letter from the judges of the supreme court of judicature, in reply to the reference made to them, at your request, regarding the murder committed at Bimlipatam, by Jasper Bolt, a native of Hamburgh.

We have, &c.

(signed) *Cornwallis.*

Fort William, 22d June 1787. *Charles Stuart.*

Extract of a Letter from the Judges of the Supreme Court of Judicature to the Right Honourable the Governor General in council; dated 21st June 1787.

We are of opinion, that the statute of the 24th of His present Majesty, s. 44, (which we presume is meant by the president and council of Fort St. George), does not extend to the crime of which Jasper Bolt is accused, even if he were one of His Majesty's subjects within the meaning of the clause; and you will permit us to suggest, that if an extension of jurisdiction, both in respect of capital crimes, and of the persons who may commit them, can be obtained from the legislature, it may be the means of preventing the perpetration of such offences, as cannot now be punished in due course of law.

(A true extract.) (signed) *John White*, Sub-Secretary.

Extract Letter from the Governor in Council to the Right honourable the Governor General; dated 21st July 1787.

We have had the honour to receive your letter of the 22d ultimo, enclosing the reply of the judges of the supreme court at Calcutta in regard to Jasper Bolt; but as they have inferred, that we alluded in our letter of 5th May to the 44th section of an Act of the 24th of the present reign, we take leave to request you will be pleased to explain to the judges, that our allusion was to the 29th clause of a subsequent Act, passed in the 26th of His present Majesty, and which appears to extend in a very great degree the jurisdiction of our court of justice here. As an early communication of their sentiments is of material consequence, we particularly entreat that you will obtain us a further explanation on the subject as soon as possible.

Extract, Fort St. George, Public Consultations, 21st September 1787.

Read the following letter from Bengal:—

The Honourable Sir Archibald Campbell, K. B. President, and Council of Fort St. George.

Gentlemen,—We have the pleasure to enclose you copy of a second letter which we have received from the judges of the Supreme Court of Judicature, in consequence

consequence of your further reference to them regarding the murder committed at Bimlipatam, by Jasper Bolt, a native of Hamburgh.

We have the honour to be, gentlemen, &c.
(signed) *Charles Stuart.* *John Shore.*

Fort William, 27th August 1787.

To the Right honourable Charles Earl Cornwallis, Knight of the Most noble Order of the Garter, Governor General, &c. &c. and the Gentlemen of the Council.

My Lord, and Honourable Sirs:—We have had the honour to receive your letter of the 6th instant, in which you inform us, that the president and council of Fort St. George, in a second reference respecting the case of Jasper Bolt, have explained to you, that their former allusion to a late Act of Parliament, under which they supposed that he might be tried, was not to the statute of 24th of George the Third, chap. 25th, section 44, as we had conceived, but to the 29th clause of one of the Acts of Parliament respecting India, which were passed in the 26th year of the present King, meaning, as we now find, that of the 26th George the Third, chap. 57th, section 29.

Of that last mentioned statute, we had not received any authentic information, neither in fact had any of us seen a copy when we answered your letter of the 28th May last; we have now perused the clause referred to, and agree with the president and council of Fort St. George, that it does in a great degree extend their authority with regard to the cognizance of crimes committed beyond the limits of their charter jurisdiction, inasmuch as it plainly includes murder and other felonies, which were not comprized in the former statute of the 24th year of his Majesty's reign. But with regard to persons, there is not the like extension of judicial authority. The persons who by this new law are declared to be amenable to the Courts of Oyer and Terminer in India, are "as well the servants of the said United Company as well as other of his Majesty's subjects, resident or to be resident in India." Now, it has been expressly stated to us by your Honourable Board, that Jasper Bolt is a native of Hamburgh, and that he was not in the service of his Majesty or the Company, at the time when the crime was committed of which he is accused. We must therefore remain of opinion, that he is not liable to be tried by the Court of Oyer and Terminer at Madras, for the murder committed at Bimlipatam, whether he would have been amenable to that court, if not being a British subject, he had been actually in the service of the Company at the time when the crime was perpetrated, we have not thought it necessary to consider, because that is not the event which has happened, and on which the doubt has arisen.

We have the honour to be, my Lord and Honourable Sirs,
your most obedient and most humble servants,
(signed) *Robert Chambers.* *John Hyde.* *William Jones.*

Fort William, 14th August 1787.

The judges of the Supreme Court of Judicature at Calcutta, being of opinion, that Jasper Bolt is not liable to be tried by the Court of Oyer and Terminer at Madras, under the late Act of Parliament, as he is a native of Hamburgh, and was not in the service of his Majesty or the Company, when the crime of which he is accused was committed.

Resolved, therefore, that the chief and council at Vizagapatam be directed to release him from his present confinement; but the Board conceiving him, and likewise John Martin, who was lately brought to trial here, to be unfit persons to reside any where under this government, it is agreed that immediate notice be given them by the chief and council, to depart the Company's limits; and that Martin do not henceforth receive either pay or allowance from the Company.

Fort St. George Papers: State of Slavery in Company's Territories.

PAPERS relative to Mr. Andrew Perry, and others, who were detected in the year 1790, in carrying off, for the purpose of selling them into slavery, a number of Children who had been kidnapped in the neighbourhood of Ganjam, and other places in the northern Circars; and to the publication of a Proclamation, prohibitory of the Traffic in Slaves.

Extract of a Letter from the Governor and Council of Fort St. George to the Court of Directors in the Public Department; dated the 18th September 1790.

24.—It being reported to us, that a number of persons intended for sale, had been brought hither from the northern settlements in several country vessels, we resolved, that they should be landed and maintained at the Company's expense, until they could be sent back to their former places of residence, or such of them as were capable of gaining a livelihood, should have it in their option to be liberated at this place.

25.—We likewise issued a proclamation throughout the districts dependent on this presidency, prohibiting any traffic in the sale or purchase of slaves; and with a view more effectually to prevent a practice so detrimental to the country, and injurious to the rights of humanity, we offered a reward of 30 pagodas for the discovery of every offender, to be paid on conviction, and of ten pagodas, for each person of either sex, who should be delivered from slavery in consequence of such discovery.

Extract of Fort St. George Public Consultations, the 5th March 1790.

Mr. Taylor, the acting justice, acquaints the Board, that it having come to his knowledge, that several children had been brought hither from the northern settlements in country vessels now in the roads, for the purpose of traffic, he ordered them to be landed, and being now under charge of the cutwal, to the number stated in the following list, Mr. Taylor requests the sentiments of the Board in regard to the future disposal of them.

LIST of the PRISONERS and CHILDREN in the custody of the Cutwal Choultray, 5th March 1790.

Brought from	By whom.	Girls.	Boys.
Ganjam - - -	Nagoor Sheck Meeralubby - -	4	3
Culingapatam - -	D° Cathur Modein - - -	1	—
Chicacole - - -	D° - - d° - - - -	1	—
Poondey - - -	Caruckaul Murapillay - - -	1	—
D° - - - - -	Nagoor Modein Bava, b[t] by his brother-in-law - - -	2	2
Soimapaoram - -	Meeralubby Malamy, sent by d° -	2	2
		11	7
Apprehended from the different houses of Coyalar or Lubby cast at Maratta town - - - - - - - -		9	14
	TOTAL - - -	20	21

41 children.

Read the following petition on the subject:—

To the Worshipful James Taylor, Esq. the humble Representation of Merchants, &c. of foreign Countries of Southward.

We went upon our vessels to the northward to carry on traffic, and touched at several ports, such as Ganjam, Soornaporam, Cullingapatam, Comandoo and Beemoodeepatnam, where we landed the goods that were brought in our twenty vessels, and continued selling them. While the case being thus, that thirty leagues distant from the ports where we are, a famine arose at Jaggernautporam, by the providence of God, when every one disposed of their children for want of food to live on; that the inhabitants of that country brought and sold the said children at the ports where we being landed, and the said children were purchased by several sorts of tribes. Amongst them we bought each one and two children, whom we maintained and nourished as our own sons; and we have substantial proofs to it, that at the time we shipped them in our said vessels, we did pay duty and custom at the rate of

of two rupees to the devaunum in that place; and then we brought each one in their respective vessels, and arrived in this port. Thereupon we disembarked the paddy, rice and grain, &c., and also cloth and different sorts of goods from our said vessels, which we lodged in banksals and godowns; then continue selling the said premises; a lascar re-sold here of the said child aforesaid, which that the cutwal of this place understanding, did apprehend the said lascar and boy, and confined them; on account of this, he the said cutwal sent some sepoys, who came and seized upon the boys, whom we kept and maintained as our sons, that were sitting without the houses, and playing in the streets, and carried them away, to the great amazement of us, who never imagined and conceived such ill proceeding should be acted under the jurisdiction of his Britannic Majesty's flag. And on the night following a sepoy belonging to the cutwal, and a telliar came, and not only entered our houses, tried and searched, and also carried away boys and girls. Besides this, the above mentioned sepoy went to our said vessels, seized the children aforesaid, and lascars; after they landed them, they were put into confinement, upon which we, the whole multitude, went to and asked him, the cutwal, how he dared to do such bad conduct, to which he answered and said, that he did not do this but by the order and direction of your worship.

Notwithstanding this, if your worship send for those that are under confinement, and examine into the matter, then your worship will understand every circumstance plainly. During the time they were with us, had the happiness of enjoying and eating good bread, and now they were destined to live on light food.

Therefore we humbly and submissively implore your worship to take this our deplorable case into your serious consideration, and be so kind and gracious on us, who are poor and foreign merchants, and deliver our said children up to us; and also to restore the things and goods that were pillaged from our said vessels, for which act of humanity we, as in duty bound, shall ever pray.

T. Chase, Clerk to the Justices. (Signatures.)

Resolved, That any traffic in the sale or purchase of slaves be prohibited by public proclamation throughout the Company's districts dependent on this presidency.

Ordered, That the secretary do accordingly draw out a proclamation for the consideration of the board.

Resolved, That the children mentioned by Mr. Taylor be maintained by the cutwal at the Company's expense, until they can be returned to the places from whence they were brought; and that if any of them are able to work for their livelihood, that it be left in their option to remain at this place.

Extract of Fort St. George Public Consultations; 6th March 1790.

In consequence of resolutions passed at yesterday's consultation, sent in circulation the following proclamation:—

PROCLAMATION.

Whereas several vessels belonging to native merchants at some of the southern ports, have lately arrived here; and it being discovered that there were on board a number of slaves intended for sale, who had been purchased at Ganjam, and other ports or places in the circars, government have ordered them to be landed from the said vessels, and to be maintained at the Company's expense, until they can be sent back to their former places of residence; or that such of them as are capable of gaining a livelihood, shall have it in their option to be liberated at this place; and the governor in council being determined to exert to the utmost extent the power and authority vested in him, to prevent a practice so detrimental to the country and injurious to the rights of humanity, it is hereby publicly declared, that all and every person residing within the districts and places dependent on this presidency, or in any respect subject to its authority, or to the jurisdiction of the courts here, who shall hereafter be concerned directly or indirectly in carrying on a traffic in the purchase or sale of the natives as slaves, will be prosecuted with the utmost rigour at the Company's expense; and if British born subjects, will be considered as unworthy of the Company's protection, and be forthwith ordered to Europe; or if such person or persons be not subject to the jurisdiction of the courts, he or they will be apprehended and kept in confinement, to be dealt with according to the laws of the country.

And that no one may plead ignorance hereof, the committee of regulation for the town of Madraspatnam, and the chiefs and councils, residents and collectors in the several

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several parts of the country, are hereby required to give immediate notice of this proclamation, in such manner as shall render the knowledge of it universal to persons of all descriptions, and to repeat the same in the first week of January in every year. They are further required to pay the strictest attention to the regulations contained in it, and to take the most active steps in their power to enforce them.

And in order more effectually to prevent so detestable a practice, and that the unhappy sufferers may be rescued from misery, a reward of twenty pagodas is hereby offered for the discovery of every such offender, to be paid on conviction, and of ten pagodas for each person of either sex who shall be delivered from slavery in consequencee of such discovery.

The Governor in council recommends to all commercial houses and private merchants to assist, as far as depends on them, in carrying these regulations into effect, by taking the most effectual means in their power to prevent the commanders of their vessels, or those consigned to them, or otherwise placed under their directions, from carrying away natives of this country in order to sell them for slaves.

The master attendant of this port, as well as the several beach masters at other ports on this coast, are hereby prohibited from granting in future a port-clearance to any ship or vessel, until the commander shall have previously declared that there are not then on board, and that he will not receive on board, any natives as slaves, with an intent to dispose of them, or whom he (the commander) has any reason to suppose will be disposed of as such after they leave this country. And that no one may plead ignorance of this proclamation, it is hereby directed that it be placed constantly in view at the sea-gate of Fort St. George, and at the most public places at the other ports on this coast, in the English and country languages.

By order of the Governor in council,
Chas *N. White,* Secretary.

Fort St. George, 6th March 1790.

[*Note.*—The receipt of the foregoing proclamation was acknowledged by the several subordinate councils, who promised that it should be translated into the country languages, and published, and every attention on their part given to carry it into effect.]

Extract of Fort St. George Public Consultations, 24th March 1790.

Received the following Letter from the Clerk to the Justices:

To the Honourable Major General William Medows, President and Governor, &c. in council, Fort St. George.

Honourable Sir and Sirs:—There are now in the road several vessels bound to the northward; and as the change of the monsoon will soon prevent any intercourse by sea with the northern settlements, I beg leave to suggest the propriety of returning to their several stations the unfortunate children who were lately brought to Madras for sale. I have the honour to be, &c.

Honourable Sir and Sirs, your very obedient servant,

23d March 1790. (signed) *Thomas Chase,* Clerk to the Justices.

Received the following Letter from the Commander of the country vessel the Experiment:

To Charles Nicholas White, Esq. Secretary.

Sir:—Hearing that there are forty-one children wanted to be sent to Ganjam, and as I expect to sail for there in a few days, I will take them at one pagoda a head, provided the Company lay in their provisions.

I am, &c. Sir, &c. &c.

(signed) *John Fergusson,* Commander of the snow Experiment.

24th March 1790.

Diary 25th March 1790.

Sent the following Letters in consequence:

To Captain John Fergusson, Commander of the Snow Experiment.

Sir:—I have to acknowledge the receipt of your letter of the 24th instant, offering to convey on board the Experiment to Ganjam a number of children, on receiving one pagoda for each person, and the Company being at the expense of victualling them; and am directed to inform you, that the Governor in council has been

pleased

pleased to accept of your proposal, and the garrison storekeeper has in consequence been instrusted to ship provisions on board your vessel for their maintenance, during the passage to Ganjam.

I am, Sir, your most obedient servant,
(signed) *Robert Clerk*, Deputy Secretary.

Fort St. George, 25th March 1790.

To Mr. Vincentio Corbett, Garrison Storekeeper.

Sir:—It being the intention of government to send to Ganjam, on the snow Experiment, about forty natives, who were lately released from slavery at this place, I am directed to desire you will put on board that vessel such articles as may be requisite for their subsistence on the passage thither.

I am, Sir, your most obedient servant,
(signed) *Charles N. White*, Secretary.

Fort St. George, 25th March 1790.

Extract of Fort St. George Public Consultations, 8th April 1790.

Sent the following letter to Ganjam, by the country vessel Experiment.

To Morgan Williams, Esq. Chief, &c. Council at Ganjam.

Gentlemen,—I am directed to inform you, about 32 natives, lately released from slavery at this place, have been put on board the snow Experiment, bound for Ganjam, and it is recommended by government, that you will procure service, or afford a present subsistence for such of them as may be unable to gain a livelihood, or have not friends to support them.

I have the honour to be, &c. &c.
Fort St. George, 8th April 1790. (signed) *C. N. White*, Secretary.

Extract of Fort St. George Public Consultations, 13th April 1790.

Read the following letter from the captain of the country snow, Experiment.

Sir,—Having received an order from you to receive on board a number of children for Ganjam, and as I sail to-morrow, request you will give me an order on the chief and council of Ganjam for the payment of their passage on my delivering them there.

I am, Sir, your most obedient servant,
(signed) *John Fergusson*,
Commander of the snow Experiment.

Agreed, That the chief and council at Ganjam do pay to the captain of the snow Experiment for passage money, on account of the children lately released from slavery, at the rate of one pagoda a head for each person landed at Ganjam.

Extract of Fort St. George Public Consultations, 1st June 1790.

Extract of a Letter from Ganjam, dated 19th May 1790.

The full number of the natives who had been redeemed from slavery, as mentioned in your secretary's letter of the 7th April, were landed here from the snow Experiment, to the master of which we paid the passage allowance which you desired.

They were in so sickly a condition when landed, that we found it expedient to place them under the charge of our surgeon in the public hospital, and when they recover, we shall attend to your directions respecting the mode of their future subsistence.

Extract of Fort St. George Public Consultations, 7th May 1790.

Read the following letter from Masulipatam, with the papers accompanying it.

To the Honourable Major General William Medows, Governor in council, Fort St. George.

Honourable Sir and Sirs,—A doney having lately arrived at this port, with a number of people on board, supposed to have been procured by some means or other by the master of the vessel, about Ganjam, and in the Cutack country, with an intention to dispose of them again as slaves; it became necessary more particularly in consequence of your orders, communicated to us under date the

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9th ultimo, to inquire by what means the said master of the vessel, Andrew Perry, procured those people, and for what purpose. We have the honour of inclosing a copy of his declaration, delivered in writing, wherein he has stated his motives for procuring those unfortunate people, who must otherwise, as he alleges, have starved by reason of the scarcity that prevailed in the Cattack country, and avows it to have been his intention to have disposed of them again, as the only means he had of being reimbursed the expense he had been at; we also inclose copy of the information given by John Berry, the only other European belonging to the vessel, giving an account of the manner of his first coming out to this country. Besides the above, the other persons belonging to the vessel have been examined, and we inclose a copy of the information given by Loll Chund, tindal, as being the fullest, and containing the purport of all the others; although the master, Andrew Perry, affirms it to be a fabrication, as he says he did not meet with this man until his arrival at Vizagapatam, where he first entertained him; and we must in justice allow, that the answers given by the tindal to the questions put to him regarding his knowledge of Vizagapatam, seeming to be equivocal, supports, in some degree, what the master has said in this respect. The people deemed slaves, all agree in one and the same story, namely, that a great scarcity having prevailed about Jugernaut. in the Cattack country, they were prevailed on at different times by a native, who belonged to the master of the vessel, to proceed with him to Ganjam, under promise that they should be supplied with rice, clothes, &c., and that after being there a few days, they were severally, and at different times asked, to go on board his doney, which lay at some distance from the town along the beach, and upon refusal were forcibly carried on board. Their information of what passed after their being put on board, agrees with that given by the tindal. These seem to be all the particulars worth communicating, except that the master appears to have sailed from Ganjam with 38 people, whom he considered as slaves, of whom seven died during the passage; seven had been disposed of before he reached this place, and the remainder are landed.

We think it highly probable that the master, Andrew Perry, did not know of the proclamation you had published, until his arrival at Masulipatam, and so far his conduct, how improper soever it may be deemed in other respects, cannot, we think, be ascribed to a disregard or contempt of the authority of government. He likewise adds several other circumstances in extenuation of his fault, and mentions people who are acquainted with his having before bore a good character, which we need not enumerate, as his own declaration is inclosed. We shall in the mean time detain both him and the other European, until we are honoured with your directions for their disposal, as well as whether the people considered as slaves, and who are now maintained at the Company's expense, are to be dismissed here, or sent on the first vessel that may proceed from hence to Ganjam, where they will have but a short distance to travel before they reach their native country.

We have the honour to be, very respectfully, Honourable Sir and Sirs, your most obedient humble servants,

(signed) *Antony Sadlier.* *William Dobboyn.*
Masulipatam, 27th April 1790. *Samuel Statham.*

To Antony Sadlier, Esq. Chief, &c. Council of Masulipatam.

The humble Petition of Andrew Perry,

Sheweth:—That your petitioner having unhappily fallen under the cognizance of your Board, for offences understood to be committed by him, which appearances may render but too strongly to be suspected, such as to justify cause for his present confinement, and the consequent inquiries into his conduct, presumes to appeal to the principles that ever actuate a British administration, the known justice and generosity of your Board; flattering himself, when it shall be known, that such his conduct, however irregular it may unfortunately have been in some particulars, still has had humanity as its original and sole motive, and not the horrid principles cruelly imputed to him; that your petitioner, on a candid hearing, will do away the unfavourable impression, misrepresentation, may too successfully have formed against him.

Your petitioner, as he is informed, stands accused of having violently seized on and carried away from Ganjam a number of women, boys and children, said to be the natives of Jaggernaut; that these unfortunate wretches, having been clandestinely decoyed away from their families and parents, had secretly been conveyed on board a doney of your petitioner, at Ganjam, under all the circumstances of force

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on their inclinations, added to ill treatment, so far even as to the denying them proper food; and the purpose of your petitioner declared to be, that of disposing of these miserable creatures as slaves, to your petitioner's advantage and certain gain.

That your petitioner did procure a number of unhappy beings at Ganjam, and actually brought them away with him from that place by sea, he does freely confess; nay, by those who have arrived with him at this place, there need no question be made of it; but the manner of acquiring them, the motives which first induced him to a wish of bringing them away, and his treatment of them, after they had once embarked with him, is what your petitioner has to answer to and to confute; and this he trusts he can do with a clear and good conscience, and with a confidence of giving satisfaction to your Board.

Your petitioner arrived at Ganjam the 7th of October last, in a small vessel of his own, having a quantity of wine on board, which he continued to sell off to different gentlemen of the place, by himself and through the means of a dubash he employed for that purpose. It was during this period that your petitioner fell sick of a fever and ague, somewhat recovering of which, your petitioner was advised by the doctor who attended him, to take an airing on a lake adjoining to Manacapatam, as the change might be of benefit to your petitioner's health. Juggernaut being not far distant, curiosity led your petitioner, in one of these jaunts, to walk towards the village, and the scene that then presented itself to your petitioner, soon arrested your petitioner's whole attention and compassion. A famine had raged in this particular spot with uncommon fury, the dreadful effects of which were but too visible; humanity shuddered at the sight; nor could the most unfeeling have refused the strong impulse your petitioner certainly felt on this occasion, of affording all the assistance in his power to distress so truly pitiable; with this view, and not from the sordid principles attributed to your petitioner, did he return to Manacapatam, where he had met his dubash; and your petitioner directed him to repair to Juggernaut, with money which your petitioner gave him, in order to contribute to the necessities of those who most needed it.

Your petitioner's dubash soon returned with some of the natives, whom he said he had purchased of their parents, who prayed to part with them, as no subsistence remained sufficient for themselves and children too; your petitioner was well satisfied with what had been done, as your petitioner's wish was to convey them to other parts where they might procure a livelihood, and your petitioner knew that this means of bettering their situations, had been a practice perfectly congenial to their own customs and wishes, and always adopted on such occasions; these seven people were therefore brought by your petitioner to Ganjam, where your petitioner found that many others had already arrived under the same circumstances, and who were then preparing to go to other countries on various vessels then laying there; the people holding charge of them, expecting their reimbursement for their care of them, on delivering them over to such as might take them into service. Your petitioner being about to leave Ganjam at this time, with some sugar he had purchased from the sale of the wine, he did not scruple to take more of those unhappy wretches under his protection, who willingly engaged to embark with your petitioner, and seek that subsistence elsewhere, which their native country denied them. Your petitioner's design, in common with others, who had taken these starved wretches, being, as he solemnly avows, no other than to carry them to Madras, whither he was then bound, and then to part with them to such persons as might reimburse him in the expenses he had been at in procuring them, and afterwards in subsisting them. Nor could your petitioner expect even this reimbursement; for many of those he had taken with him were very old, and not likely to be received on any terms; others again were young children, and could not for many years be capable of any service.

Thus has your petitioner related the facts, at least by which means, and from what motives, the people whom he is accused of having procured for the purpose of selling as slaves, have been found with him. It is needless to relate the misfortune of your petitioner since he left Ganjam, of losing his vessel and little property he possessed; and how contrary winds and current, and the badness of the vessel on which he arrived in these roads, had drove his second vessel on shore, and been at length the cause of drawing on him the irksome circumstances under which he now labours.

Your petitioner being brought before the acting justice of this place, whose liberal manner of treating him your petitioner will ever remember with gratitude; the examinations of these people, brought here by your petitioner, having been then taken in his presence, leave your petitioner now only to add, that your Board will certainly be aware on perusing them, how much pains has been taken to fabricate a story by

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which the natural antipathy and vicious inclination of a native may be gratified, when an unfortunate European is brought forward to suffer by his malignity. The same taught tale comes from the mouth of twelve years with as much facility as from ripened age, nor is a single point differed from in a relation which must have been industriously fabricated to effect your petitioner's destruction; but should this be doubted, when your petitioner solemnly declares that the tindal " Mahomed," who now calls himself " Loll Chund," only first became known to your petitioner at Vizagapatam, long after your petitioner had left Ganjam, which was the first of your petitioner having ever seen him. It may be wondered, how then he could speak to the facts, which he says happened at Ganjam, where he was not present with your petitioner, and his story being the same with all the rest, must prove the fabrication of the whole. And should there unfortunately still exist a doubt in the breast of your Board, after saying thus much to controvert the infamous assertions set on foot against your petitioner, may the letter of a respectable gentleman in the Honourable Company's service at Vizagapatam, which your petitioner has the honour on this occasion to submit to your perusal, may this letter, " as your petitioner cannot possibly doubt," serve more fully to expose some part at least of the cruel falsities so apparent on the face of the examinations.

That tale of suffering which appears on the face of those examinations, the depriving these unhappy people of their food, and the compulsive measures talked of for bringing them away from Ganjam, your petitioner must beg totally to disavow; he could not indeed have imagined such matter to be brought forward as part of the accusations against him, but that he reflects how this story has been dictated to them by that malignant spirit of ingratitude so natural to a native of this country. On inquiry at Vizagapatam, where your petitioner's name is well known, it may be found that far different was the fact in this respect; by particular orders, these unfortunate wretches were brought on shore and publicly examined, and they were found to have voluntarily engaged, and that their treatment was such as at that time perfectly satisfied them. The untruth brought forward in this respect, your petitioner cannot therefore better refute, than by a reference so open and so undoubted.

It is now time your petitioner should call on the pardon of your Board for having so long detained your attention to this explanation of himself, which he humbly hopes will acquire to him your indulgent consideration of his case, and such alleviating arguments in his favour, when his situation is represented to the Honourable Governor in council, as may procure him a releasement under easy circumstances; and when the Honourable Governor in particular shall learn that your petitioner was totally and in every respect ignorant of the orders published, to prevent the disposing of natives in any manner and under any circumstances whatever, " your petitioner having only heard of these orders on his arrival here, and which his intention to sail direct for Madras may, indeed, prove." Your petitioner trusts, that in such case, your Board will easily effect his being excused this, his first and last offence against the orders and directions of a government under which he hopes still to continue, on the endeavours that have ever actuated him of gaining an honest and respectable livelihood.

In granting which, your petitioner, as in duty bound, shall ever pray.

Masulipatam, 13th April 1790. (signed) *Andrew Perry.*

John Berry, seaman, being called, says, that he came out to this country in a Sardinian vessel, called the Duke of Ostend, which he left at Coringa, with an intention to return from thence to Europe; that he met with Captain Perry at Muddapollam, and understanding he was in want of an European to go with him, he agreed, and got leave from Captain Beek, with whom he then was, to engage with Captain Perry accordingly.

Question. Do you remember what particular allowance was served to the people whom the captain had procured at Ganjam?—*Answer.* I do not know of any particular allowance, but understood that the tindal had directions in general to give them as much as they should want.

Q. Do you remember ever hearing the people complain of not having enough?—*A.* I never heard them once complain.

Q. Were there any particular restrictions kept over these people, in respect to their being obliged to stay constantly below deck, or how?—*A.* I never heard any thing of this sort, but suppose when the weather blew, they would always be sent below to be out of the way.

(signed) *W. Brown.*

Loll Chund, tindal, aged 30, deposeth as follows:—That he had come to Jagganaut to pray to the pagoda, and from thence had gone to Ganjam, where he met with Captain Perry, who engaged him to his service, and promised to give him rice, and his monthly pay to be six rupees, which the captain, as well as another person who went away since, both promised him; that he had agreed to go on board the captain's vessel then laying at Ganjam, but only wished to get his clothes, which were at the washerman's. That the captain had told him to go on board, and never mind his clothes, that he would give him plenty of clothes himself; that he had then gone on board, and the doney set sail. That having arrived near Jaggernautporam to take in water, the weather had become violent, and the vessel at length went on shore near there. That the captain had there landed the stores, and the people out of the vessel, and delivered them over to the care of this deponent on the spot; the captain had afterwards gone himself to Jaggernautporam village to procure another doney. That the captain had brought another doney with him from the village, and finding her not large enough to contain the stores as well as the people that the captain had engaged, with some people for another doney, in one of which he had embarked the said stores, and taken the command of her himself; that on the other doney the people, meaning the boys and girls he had procured at Ganjam and Jaggernaut, had been embarked, and the charge of them given to this deponent, with strict orders not to touch at any port, but to accompany the captain's doney, and to anchor out at sea whenever they should be obliged to stop any where; that they had gone to Jagganaporam village with the doney, and landed the people there; that the people had been on shore with him, and that the captain had come to him about nine o'clock at night, and asked him what news; that he told the captain, for want of rice and water, two of the people had died, one girl and one boy; that the girls and boys had been all this time in a house belonging to an arrack farmer, where they were kept close; that they staid some time there, for about 20 or 30 days, being all along under this deponent's charge. That during their stay there, the captain had sold one boy and four girls; that the captain had then told him he would go to Coringa and return immediately; mean time, he gave him one rupee for expenses, which went the first day, and as the captain did not return for five days, he was obliged to beg for their subsistence. That the captain had soon after returned, and that they had sailed there on a large doney which the captain bought, and coming near Nursapore, they had fallen in with another vessel, to the captain of which the two girls had been sold. That they had come away, and anchored off Hamsaldever. That the captain had engaged three fishermen to pilot the vessel out, and after keeping them three days without victuals, endeavouring in vain to get the vessel out, the captain had threatened and drawn a sword against and struck them with the back side of it, which alarmed them, and made them jump into the sea; that the captain had then taken a fuzee, and threatened to fire on them, which made them sink themselves under water, and then swim away. That the captain had afterwards put to sea again, but considering that they had no water on board, the tindal persuaded them to draw near shore, and in doing so, the wind had taken the vessel, and drove her into the road of Masulipatam; that the vessel had parted her cable, and drove on shore; that the captain had then landed as well as all the people; that the captain had told this deponent to go on board again, and to take the boys and girls with him, but the Company's peons coming, laid hold of them all, and carried them to the cutwal's choultry.

(*Question by the captain.*)—*Q.* Where was the vessel you left, previous to going to Jagganaut; how long had you left her?—*Answer.* I left the ship at Ganjam, and had been away ten days, when I arrived at Jagganaut.

Q. How long did you stay at Jagganaut?—*A.* About two days, on my way home.

Q. Did you return to Ganjam, to go on board the vessel you had left before, or what other reason induced you to return?—*A.* I met a relation at Jagganaut, who told me there was a person at Ganjam, who would be glad of my service, and I accordingly agreed to go back with him.

Q. How many days after you arrived at Jagganaut, did you meet with your relation, as you mentioned above?—*A.* About two days.

Q. Where did you first meet with me?—*A.* I first saw you at Ganjam.

Q. Where was the doney laying, and how did you get on board?—*A.* The doney was laying close in shore, and I stept on board from the land.

Q. How many vessels were laying there at that time?—*A.* Only yours.

Q. Who was the person that agreed with you for me?—*A.* He was a native belonging to that country.

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Q. Did that man go on board with me?—*A.* No, he went away.

Q. What agreement did he make with you, to engage you into my service?—*A.* I was to have rice, and six rupees per month.

Q. How many did the ships consist of?—*A.* Four in all.

Q. Did the doney sail immediately as we all went on board?—Yes; we went out by means of bamboos.

Q. Did we stop any where before we came to Jagganautpooram?—*A.* We got a cask of water in at Ganjam, and we stopt at some places when the wind failed us.

Q. What was the name of the place we stopt at, and what did we do there?—*A.* I do not know the name of the place, but remember we took in some fish and water there.

Q. How long did the vessel stop at this place?—Two days.

Q. In how many days did we come from that place to Jagganautporam?—*A.* About five days.

Q. What sort of weather was it, when the doney went on shore?—*A.* Strong contrary winds.

Q. Were you ever at Vizagapatam, or do you know the place?—*A.* I have been off shore, and then was told the place was Vizagapatam.

Q. What vessel were you on board of when you were off Vizagapatam, as you say?—*A.* On board yours, when you stopt there.

Q. What did we get there?—*A.* We took in water.

Q. How much rice was allowed to be served out to the people?—*A.* I gave all that you allowed, about nine sears at Jugganatporam, and less out at sea.

Copied 8th July.

his
Loll × *Chund*,
mark.

(signed) *W. Browne*, Clerk to the Committee.

The Board having taken the above papers into consideration, express their wish, that the examinations of the parties had been taken in a more full and particular manner.

There appears too much reason for supposing that compulsive measures were used in carrying the unfortunate natives on board the doney near Ganjam, and from the numbers who afterwards died, that they were improperly treated during the passage; but as the Board suppose Andrew Perry did not know of the late proclamation, and as the nature of the evidence might not induce a jury to find a verdict against him, in case he were brought to trial here, it is resolved, that he, with the other European, be released; and that the chief and council do endeavour to make them sensible of the lenity observed towards them, as also of the heinousness of the allegations against Perry; and that in committing a second offence, he will be punished to the utmost rigour of the law, and sent by the first conveyance to England.

Agreed,—That such of the people as are able to procure a subsistence, have liberty to remain at Masulipatam, or to proceed to Ganjam by the first conveyance, with those who cannot gain a livelihood.

Extract of Fort St. George Public Consultations, 8th May 1790.

Sent letters to the garrison storekeeper and Mr. Wilson, also the following, agreeable to orders at yesterday's consultation.

To Anthony Sadlier, Esq. Chief, &c. Council, at Masulipatam.

Gentlemen:—We have received your letter of the 27th ultimo, and cannot but express our wish, that the examinations of the parties had been taken in a more full and particular manner.

There appears too much reason for supposing that compulsive means were used in carrying the unfortunate natives on board the doney near Ganjam, and from the number who afterwards died, that they were improperly treated during the passage; but, as you suppose the commander, Andrew Perry, did not know of our late proclamation, and as the nature of the evidence might not induce a jury to find a verdict against him, in case he were brought to a trial, we desire that he, with the other European, may be released; at the same time, we request you will endeavour to make them sensible of the lenity observed towards them, as also of the heinousness of the allegations against Perry, and that on committing a second offence, he will

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will be punished to the utmost rigour of the law, and sent by the first conveyance to England.

Such of the people as are able to procure a subsistence may have liberty to remain at Masulipatam, or to proceed to Ganjam by the first conveyance, with those who cannot gain a livelihood.

Fort St. George, 8th May 1790. We are, &c. &c.

(signed) *W. Medows*, &c. Council.

Extract of a Letter from the Court of Directors to the Governor General in council of Fort St. George, in the Public Department, dated 30th March 1791.

Par. 7.—Your conduct respect the persons who were brought from the northern settlements on several country vessels for the purpose of being sold as slaves, is entitled to our highest commendation. We hope the proclamation published on 6th March 1790, will effectually tend to put a stop to this inhuman traffic at the several settlements subject to your authority.

Papers relative to a Traffic in the Inhabitants of the Northern Circars, carried on by the French and Dutch; 1792–1794.

Extract of a Letter from the Governor in Council of Fort St. George, to the Court of Directors in the Public Department; dated 28th Jan. 1793.

15.—We have received further complaints from the northern settlements, of the traffic carried on by foreigners in the purchase of the inhabitants as slaves, whilst a severe famine prevailed, and the wretched inhabitants were equally anxious with the purchasers for the continuance of a commerce so disgraceful; we could hardly expect that our utmost endeavours to check such transactions would be effectual; but as this calamity became less grievous, our hopes of success were more flattering, and we doubted not, that the practice would very shortly cease altogether.

16.—It appears, however, by the correspondence of your resident at Ingeram, that the French are still uncommonly active in prosecuting this odious traffic; and by a late letter from that gentleman, we observe that their principal agents of Yanam are not ashamed to countenance it, if not to be individually concerned in it.

17.—We have made repeated and strong representations to the Governor of Pondicherry upon this subject; but though he professes, and we believe very sincerely, the same abhorrence with ourselves of these practices, and the same desire to restrain them, his authority appears altogether incompetent to that end, and we have judged it necessary, therefore, to report the subject to the Governor General in council, that we may receive the benefit of his advice and sanction, as to the measures further requisite to be pursued on this occasion.

Extract of a Letter from the Governor in council of Fort St. George, to the Court of Directors in the Public Department; dated 2d May 1793.

4.—You were advised, under date the 28th January, of our reference to the Governor General in council, with regard to the traffic carried on by the French in purchasing the natives as slaves.

5.—His Lordship forwarded to us, in consequence, copies of letters he had addressed to the governors of the Isle of France and Pondicherry, requesting us at the same time to instruct the chiefs and residents in the northern circars to seize all persons detected in this infamous pursuit; and if any of the French nation should be apprehended, that we would send them to Pondicherry. Cons. 22d Feb.

6.—The proposed orders were accordingly transmitted, and the chief and council at Vizagapatam have since informed us, that upon receiving intelligence of some natives being secreted at Bimlipatam, they deputed an officer with a party of sepoys to search for them, and that he enlarged no less than five hundred and sixty-five young persons, whom it had been intended to export as slaves. The chief and council did not seize the proprietors of the houses in which the slaves were found, as they were doubtful how far our instructions might warrant their apprehending persons under the protection of a foreign flag. 22 March.

7.—We much approved of the conduct of the chief and council in liberating so many unfortunate persons; but we directed them on all future occasions to apprehend the parties concerned in such criminal practice, without any distinction, agreeably to the spirit of our former orders; and for the further prevention of this

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traffic, we directed a party of sepoys to be stationed in the village of Bimlipatam, under a careful officer, with instructions to seize all persons attempting to export the natives from thence.

Extract, Fort St. George Military and Political Consultations, 14th February 1792.

Read the following letter from the chief and council at Pulicat:

To the Honourable Sir Charles Oakeley, Bart. Governor and President, and the Gentlemen the Members of the Council of Fort St. George.

Honourable Sir and Sirs:—We have received of our chief of Juggernaickpooram, a copy of a correspondence with the English residents at Ingeram and Narsepoor, item, the chief and council at Masulipatam, which we have the honour to send inclosed, and on which we feel ourselves obliged to address you, Honourable Sir and Sirs, with seriousness.

We are obliged to it, because the subject from which this correspondence originated is of a nature too insignificant and frivolous, than that it could have authorized the authors thereof to insolence and molestation; first, by writing letters to the above mentioned, our chief, in an offensive and imperious manner, than by sending an armed party, and by it to blockade our territory.

We say, that the subject is too insignificant for going to such a length. Surely we look upon the affair as far fetched. Quarrels on account of a slave trade, that is now commonly practised, and not easily to be prevented, because proceeding from such melancholy visitations as grievous famine prevailing almost over the whole coast, which, as it seems irremediable, causes the poor to run into such desperate extreme, as rather to give themselves over to slavery, or sell themselves, than for want of food to die a certain death.

It is very painful not only to be obliged to be a spectator of such afflicting misery, especially when it is not in one's power daily to provide a number of people with the necessaries of life, while for want of provision we ourselves suffer; but also, and what is much to be lamented, to experience such rude attacks and imperious precepts as the above-mentioned dependents of your Honour make use of, to bring our gentlemen of the first quality into a suspicion of such a vile practice; and as, if they were authorized to it, to put in force against them a prohibitory order, published by the British government against the selling of natives as slaves, just as if we or our chiefs were incapable of reasonable and equitable sentiments, of our ownselves to prevent such irregularities, in case we should find that by them is acted against humanity, or should be requested to join in the views of the English government to oppose them.

Sic. orig.

For, as to the order and prohibition which the British government has instituted, although we have not been made acquainted with it, yet we do acknowledge, that it is of a nature salutary and good to resist the disorder of making free men slaves, and that it also must be applicable with regard to all which government look upon as their subjects, or depending on their authority; but not to say, that the laws of Hindoostan allow that parents may sell their children and others, in case of necessity, themselves, or that they may hire themselves out as slaves for a time, which comes very near to, if it is not above the common course of man's life; we may ask, what authority has the law of an English government over the subjects of our nation, and where is it admitted and agreed to, that the English law with regard to the Dutch, shall have the right of execution too? All must shrink before superior force; but even as the gentlemen, your agents, endeavour to plead the cause of humanity, which ought to have place with regard to the natives, so ought they to know, that it is criminal when they insult and violate the rights and privileges of other people; and that the laws of their sovereign, or a government under him, are but of force against and applicable to their own subjects and dependents, and thus are they fully as punishable as when one wilfully takes up arms in order to make himself of consequence against others.

The first uncivil aggressors are the residents of Ingeram and Narsepoor, Messrs. Yeats and Tudor. Their manner of writing includes all, except that politeness at which one is so easily offended with regard to others. The one demands haughtily an immediate subjection to the English law, and the other threatens, in case of failure, that he will apply the penalty to which it obliges, while the gentlemen of Masulipatam, judging according to the warm reports of these residents, true or false, with

with English authority, pass over to charges and expressions, all of a nature injurious to one representing us, and who is alone to be corrected or reproved by us in case of conviction, of such low sentiments and practices as the gentlemen of Masulipatam suppose to be inherent in a person that is not an Englishman by birth, when the judgment of these gentlemen ought to make distinction between the character that one supports, and what may be supposed to be the sentiments of the crowd. And as if this was not enough to stretch the injuries to the highest pitch, and to shew how little regard they have for a Dutch government, the above Masulipatam gentlemen proceed to violence, sending armed people, violating by them not only the rights of our river, by falling violently upon and searching the vessels in it, but what is still more, the commanding officer of the detachment, Captain Stevenson, sends in the night armed people upon our territory of Jaggernaickpooram, who disturb the chief in his rest, and insist in the night on producing certain persons, of which they say, that they were hidden there; and this open violence, endeavours the above commanding officer to palliate, as if the sepoys had been too zealous in the execution of their orders, and as if the affront was to be done away by the correction of a corporal, when Captain Stevenson himself is to be reprimanded and corrected.

We cannot believe that these injurious acts are supported by any other authority, but a too high idea of the law here in question, and as if the Dutch were also subject to it. Surely we cannot imagine, that the above unwarrantable conduct, as with regard of the correspondence or the addresses, so with regard to the authority adopted to give weight to these ideas or notions, by open acts of hostilities, will, in any manner be approved of by you Honourable Sir and Sirs; but, on the contrary, that with regard to them, an order will be issued which shall better agree with that confidence which subsists between the two nations, in the bonds of unity and friendship, and shall set due bounds to contemptuous treatment, open violence, and interruption of such rights and privileges as belong to us, as by reason of treaties between our respective sovereigns, so also by the prerogatives and privileges which until now, guard us against usurpation and dependence.

To shew how willing we are to be beforehand in all things which may lead to what is least troublesome, we have already sent off the necessary orders to Jaggernaickpooram, relative to the prohibition of purchasing and selling slaves, by what foreigner soever it be done within our territory, with a declaration, that all sales and purchases which can be proved after the date of this our prohibition, to have been made by any foreigner, shall, when discovered, be considered as clandestine, and *ipso jure*, null and void, empowering and qualifying our chief to take out of the hands of the owner, such an object as may have happened to get into slavery, and to send it to one of the gentlemen the English residents, which is nearest, with the request, after the grant of a certificate of delivery, to guard its liberty thus obtained, and to prevent that it appear not again at Jaggernaickpooram; and in both cases, to take upon them the responsibility for, and settling of, all disputes and cavillations with the owner, who may happen in the purchase and exportation of slaves, to see himself thus disappointed, and also to direct the same, if necessary, with his action of damages, to the said resident or residents.

Moreover, we have ordered, that this our prohibition be published immediately, for the information of every one, and therefore request of you, Honourable Sir and Sirs, that you will issue a peremptory order for the time to come, preventing all molestation and unwarrantable suspicion, whilst on our side we pledge our word, that among us, there is no such thing as a slave trade for exportation, and that by virtue of the above-mentioned prohibition, it shall also be prevented, with regard to others.

We have the honour to remain, with high esteem, &c. &c. &c.

(signed) *Jacob Eilbracht.* *Jacob Van de Raeff.*
J. J. Winckelmans. *F^k William Bloeme.*
Louis Adrien de Brueys. *J^n J^m Hasz.*

Pullicat, Fort Geldria, February 2d, 1792.

[Correspondence referred to in the aforegoing letter.]

To Cas Leon Eilbracht, Chief, &c. Council at Jaggernautporam.

Gentlemen:—A report having prevailed at this place, that certain individuals residing at your factory, were concerned in purchasing the native inhabitants of the

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country, and exporting them as slaves; and as this kind of traffic is strictly prohibited by our government, we wrote to the resident at Ingeram, and also to Mr. Tudor, on the subject, requesting their interposition to prevent it. By a letter, which we have just received from Mr. Tudor, we are concerned to find, that the information we have received by common report, has but too much foundation, and that contractors reside openly at your factory, who furnish the commanders of vessels with slaves, by which means upwards of five hundred persons have lately been exported. We are also informed, that this traffic is openly countenanced by you, and written passes granted, in consideration of which, seven rupees per head is paid for each slave exported; that two subjects of France, named Burelle and La Touche, as also another, Portuguese, reside as slave contractors at your factory, by whom two vessels named L'Aimable Marie and La Baillie de Souffrein, have lately been dispatched, as also a sloop belonging to a Mr. Boulle, about three weeks ago; and that there is at this time a French ship, called Les Deux Amis Reunis, laying at your factory, for the express purpose of taking in slaves.

We need not, we are convinced, say much to you in regard to the horror that such a barbarous traffic must necessarily excite in all minds endowed with the common feelings of humanity; being willing to believe, that although there may be individuals of all nations so depraved as to take advantage of the famine that prevails, for enriching themselves, yet that no European government, notwithstanding reports to the contrary, can so far debase the character of the nation to which it belongs, as to give any countenance thereto any Europeans or natives that may be found within the limits of the Company's authority, either engaged themselves or concerned with others, in buying up the inhabitants, thereby subject themselves to the penalties set forth in a proclamation published some time ago by our government; and wherever the persons of native inhabitants so obtained may be found, they will be seized and liberated, for which purpose directions will be sent without delay to the officer commanding at Samulcotah; and we also trust to your doing every thing that may be necessary for preventing and discouraging a traffic so shocking in itself, and so repugnant to the dictates of human nature, from being carried on either openly or privately, within the limits of your factory.

We have the honour to be, Gentlemen, your most obedient humble servants,

(signed) *Anthony Sadlier.* *W. Dobbyn.*
Masulipatam, 16th January 1792. *Samuel Statham.* *Andrew Scott.*

To Captain T. Stevenson, Commander at Samulcotah.

Sir:—As I presume that the guard placed at the opposite side of the river, who stopped and visited the boat of my servant, which I permitted to go on board of the French ship, to release two of his nephews carried away by force at Talroe, being dispatched on account of the slave trade, I find myself obliged to acquaint you, that a transportation of men is practised every where; and as the said, my servant, returned without having been capable to release his family, I now send him to you with his complaint, which I request of you to lay before your government, that they may know that barbarious actions of such a kind as they complain of, happen also at places under their own resort, and to insist for the poor man, if possible, upon every assistance.

I also send a child, which was probably in danger to be carried off yesterday; and I will send you every poor person which I can imagine to run such a risk, as I find it impossible to keep them all here for want of victuals.

I have the honour to be, Sir, your most obedient servant,

Jaggernauthporan, 20th January 1792. (signed) *C. L. Eilbraert.*

C. L. Eilbraert, Esq. Chief, &c. at Jaggernauthporam.

Sir:—I have received your letter of the 19th, and have only to say, that the government of Masulipatam having had information of the most infamous traffic (the purchasing of slaves) being carried on by some person or persons at Jaggernauthporam, and willing to guard against and prevent a practice so inhuman and so detrimental to the country, have ordered me to post a guard at Cockenada to put a stop to any further exportation of those poor wretches, who may from the present distress of the times, be drove to the desperate course of selling themselves and children.

The stopping of the boat last night has been, I suppose, owing to the zeal of the sepoys to prevent perhaps the slavery of some of their own kindred.

Your

Your servant was not seen in the boat, and I shall caution them to be more particular in future; but I trust to the goodness of your heart and your known humane disposition, for any assistance to oppose so diabolical a practice.

I have the honour to be, &c.

Samulcotah, 20th January 1792. (signed) *T. Stevenson.*

Captain Stevenson, Commander of Samulcotah, at present the Cockanara.

Sir:—I find it very hostile and insulted attack to you, sending sepoys with their arms into the limits of Jaggernauthporam, who did oblige me to lose my rest this afternoon. I cannot imagine that your government has ordered such extravagancies; I declare hereby that I will consider them as public hostilities.

The man who the sending armed sepoys would oblige me to be delivered to here, I have confined, and I shall wait upon you to-morrow morning, to shew you that I am capable enough to punish delinquents into the limits of my factory.

I am, Sir, your most obedient servant,

Jaggernauthporam, 20th January 1792. (signed) *C. L. Eilbracrt.*

C. L. Eilbracrt, Esq. Chief, Jaggernauthporam.

Sir:—I do not know what you mean by open hostilities; but if you mean, that the naig with the guard presumed to attempt to pass to your town without your permission, I am sorry that he should be so ignorant of his duty, and have accordingly broke him for so doing.

I shall be happy to meet you to-morrow, and hope by such measure to prevent any future misunderstanding; and by our mutual endeavours prevent a traffic which must strike horror into any feeling mind, and which I am sorry to say is in great practice by some persons in your town.

I am, Sir, your most obedient servant,

Cockinada, 20th January 1792. (signed) *T. Stevenson.*

To Anthony Sadlier, Esq. Chief, and Council at Masulipatam.

Gentlemen:—I received your favour of the 16th instant, and learn thereby, that prohibition was made by your government to purchase and export country natives as slaves, which you say has been countenanced here by me, by granting written passes, in consideration of which seven rupees were paid every head, and that you did trust, that I would prevent and discourage this traffic, as being of a nature too debasing for an European government. I have been informed, gentlemen, of this kind of trade for many months past, and I endeavoured to make it as difficult as possible, even by putting taxes upon exportation, which you please wrongly to term rewards for the written passes; but I could not gain the point, and to impede it by constraint, I am in the first place not qualified by my government, but moreover not provided with a sufficient force to put guards at every part of the shore, and to resist the several kinds of transgressions. In the mean time, I beg leave, gentlemen, to observe, that the said prohibition of your government would be more efficacious, in case they did provide the natives all over the country with victuals, for the obtaining of which a number of natives choose slavery rather than a certain death; and, indeed, I cannot see that their choice is much to be blamed. The persons distinguished in your letter did not reside here, except only Burettee; La Touche is an inhabitant of Tamam, and Borell a traveller, who provided himself with a vessel at Coringa. At last, I beg leave to conclude in observing, that the emphatical expressions used in your letter, viz. that to countenance such a trade much debased the character of a nation, do not flatter much the governments in Europe themselves, amongst which those of your own nation grant exclusive privileges to provide certain parts of the West Indies with slaves; or is human nature the less to be pitied and commiserated than here in the East? But to shew, gentlemen, how ready I am to shew my regard for you, and your government here, I will lay the case without delay before my government, with such an earnestness as the nature of the business requires, and request their positive orders for the future.

I have the honour to be, gentlemen,

Your most obedient humble servant,

Jaggernautporam, 19th Jan. 1792. (signed) *C. L. Eilbracrt.*

P. S.—This moment I receive report, that two nephews of one of my own servants, being employed to bring some cloths to Tanam, are carried off from Tolroy

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by force, to be transported as slaves from here with the ship now in the roads; so that I believe my request for your interference will be more useful to me than it is in my power to resist such kidnapping for robbery of men.

To the Honourable Anthony Sadlier, Esquire, Chief, and Council at Masulipatam.

Gentlemen:—Just after having wrote postscriptum under the annexed translated letter of yesterday, I received information, that at Cockanard, laying on the other side of the river, was arrived a detachment of some sepoys, with orders to search all Masuli boats that want to go out from Jaggernautporam; in consequence of which order, such became at first the share of my servant, mentioned by the aforesaid postscriptum, whom I permitted to go on board of the French ship in order to look out for his nephews, and, if possible, to bring them back.

As now an impediment for the carrying out of native individuals, instituted by your government, cannot with convenience be executed but in the public sea, which is free, and lets every one maintain his right, without hindering the passage on a river which belongs to this territory, or to stopping vessels sent from this place to the public sea; because such cannot but cause a direct infringement of the rights of nations, and public violation of our flag, to an of my nation, and apparent loss and prejudice for the Honourable the Dutch Company, my lords and master.

Thus is it, that I, as for them being placed at this place, and not knowing of any rupture whatever between the two nations, most solemnly protest, as I do protest by this, against the infraction that by the aforesaid visitation on their lawful right is attempted, as well as against the this caused violation on the right of nations and their flag, all loss and prejudices that may result thereof, be it now or for the future; leaving you accountable and responsible for the lawful government of my country, the Dutch Company, specially reserving to them to procure satisfaction where and when they shall find proper.

I have the honour to be, Gentlemen,
Your most obedient and very humble servant,
(signed) *C. L. Eilbracrt.*

Jaggernautporam, 20th Jan. 1792.

P. S.—Enclosed I send you a copy of a letter written this morning to the commanding officer at Samulcotah.

To Captain T. Stevenson, Commander of Samulcotah.

Sir:—Being informed that a detachment of sepoys, which posted themselves at Cokunara, the opposite side of this place, are dispatched to search and examine any boat whatsoever going from this place, and that effectually one boat, with my own servant, was obliged to stop and to be searched, I must declare my astonishment at such a public infraction upon the liberty of the rights of my nation, and even of our privileges, not being informed of any rupture between the nations; I request you to give me true information of such a singular event, or a copy of the orders devolved upon you, which occasioned such a strange behaviour.

I have the honour to be, Sir,
Your most obedient humble servant,
(signed) *Cas Leon Eilbracrt.*

Jaggernautporam, 19th Jan. 1792.

To Cas Leon Eilbrarct, Esq. Chief at Jaggernautporam.

Sir:—The English government in India was pleased long since to prohibit the purchasing of inhabitants in the countries under its authority, and transporting them to foreign parts. There are at this time a considerable number of inhabitants, subjects of England, in Jaggernautporam, who, I am well informed, are shortly to be shipped and sent away, in violation of that prohibition, and many have already been sent away. I call upon you, Sir, as chief at that settlement, to restore those people to me, and to put an immediate stop to a traffic so disgraceful to humanity.

I have the honour to be, Sir,
Your most obedient servant,
(signed) *Matthew Yeats.*

Ingeram, 7 Jan. 1792.

To M. Yeates, Esq. Chief at Ingeram.

Sir:—The orders published by your government, to prohibit the purchase and export of black country people, mentioned by your letter of the day before yesterday, are only relative to the places directly under their commands, where it is a duty to be careful that no infraction be made on their orders, by exporting any native from thence; but the intention of your government has never been to charge chiefs of foreign nations with the execution of their commandments; and if I even would please you herein, I must confess I do not know by what means it would be possible, as I am unacquainted with any black country people, and still more so with the places of their habitation. I will lay your letter before my government, whose orders I can only expect.

I have the honour to be, Sir, your most obedient servant,

Jaggernautporam, 9th January 1792. (signed) *C. L. Eilbracrt.*

To *C. L. Eilbracrt*, Chief of Jaggernautporam.

Sir:—In consequence of a report prevailing, that some individuals of the Dutch nation are buying up natives and exporting them as slaves from Jaggernautporam and its neighbourhood, I think it necessary to inform you, that the purchasing or disposing of the natives as slaves, is positively prohibited by our government, as set forth in a proclamation published for that purpose, which subjects the dealers in such inhuman traffic to punishment, if detected within the limits of the Company's authority.

I have the honour to be, with consideration, Sir, your most obedient servant,

Narsapore, 10th January 1792. (signed) *M. Tuder.*

To M. Tuder, Esq. Chief at Narsapore.

Sir:—I had the honour to receive your letter of the 10th instant, respecting the prohibition made by your government in purchasing and exporting black country people. I heard something of it since eight months past, and that some Frenchmen were very busy in this sort of trade; but I never believe that any of the Dutch, or Dutch extraction, at this place, have made any use of it; in the mean time, I took measures since July last, to make this trade as difficult as possible, by setting an interdict on the exportation of every black not legally transferred conformable to the laws of Hindostan; and to increase this difficulty, I put lately a tax on every person, although legally transferred. I will lay your letter before my government, and as soon as they shall order me, I shall stop directly every purchase for exportation.

I have the honour to be, &c.

Jaggernautporam, 13th January 1792. (signed) *C. L. Eilbracrt.*

Minute.—Resolved that the following answer be returned.

To the Honourable Jacob Eilbracht, Esq. Governor, and Council at Pulicat.

Honourable Sir and Sirs:—We have had the honour to receive your letter of the 2d instant, with the several papers enclosed.

We trust you will do us the justice to believe, that in the orders issued from time to time by this government, relative to the exportation of the inhabitants as slaves, our intention has been directed to the object of checking this practice by such means only as are strictly lawful and consistent with the relation in which we stand to foreign settlements on the coast. We esteem it our duty to exert every endeavour for this purpose within our own territory, and to recommend a similar conduct to those over whom we have no controul, but who are equally interested with ourselves in the cause of humanity.

We disapprove of the style in which some of our officers have written to your Chief at Jaggernautporam, and shall give particular cautions upon this head; but we confess to you, our apprehension that the traffic in slaves for exportation, though not carried on by the gentlemen of your nation, may have received great encouragement by the permission given to foreign contractors to purchase and transport them from your factories.

We are sorry you should think this subject too insignificant to engage so much of our attention, and you will permit us to say, that we cannot agree with you in

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the reasoning you adduce in favour of this trade. The laws of the country do not allow any such practice as the purchase of slaves for exportation. Under the pressure of famine even, they only say that "whoever having received victuals from "a person during the time of such calamity, hath become his slave; on giving two "head of cattle to the provider, may become free from his servitude." With regard to the relief afforded by this practice, it must be considered at best as feeble, partial, and of the most miserable kind; it may prolong the existence of wretchedness for some time, but not without aggravating that misery which it affects to remove. The only relief we apprehend that can be applied with any success, is that which endeavours by every possible means to introduce food into the country, and to regulate its distribution so as to extend the benefit to all classes of the inhabitants. This relief we have given to the utmost extent of our means.

We shall send strict orders to our officers to execute the instructions they have received, with every possible attention to the rights of your nation, and to the harmony and good understanding which subsists between us, and we assure ourselves, that you will join heartily with us in restraining a practice so injurious to the feelings of humanity. We have the honour, &c.

(signed) *Charles Oakeley,* and Council.

Fort St. George, 14th February 1792.

MINUTE.—Agreed that letters be written to Masulipatam, to Mr. Yeats and Mr. Tudor, approving the exertions which they have made use of, to put a stop to a practice so injurious to the feelings of humanity, as the exportation of the inhabitants as slaves; and recommending that every possible attention be paid to the right of the foreign nations on the coast, and to the harmony and good understanding which subsists between them and the Company.

Agreed also, That the chief and council at Masulipatam be directed to satisfy the chief of Juggernaickpooram, that no insult was meant to his authority, by posting a guard at Cokenada, and that if any of the Company's sepoys passed beyond the proper bounds, they exceeded their orders, and will be punished.

Read the following letter from Mr. Yeats.

To the Honourable Major General William Medows, President and Governor in council, at Fort St. George.

Honourable Sir and Sirs:—Upon certain information that a trade in slaves was carried on to a great extent in Yanam, I wrote to Mr. Sonnerat, the chief at that settlement, on the 7th past, requesting him to put a stop to so disgraceful a traffic, and demanded of him such slaves as were in the place. Mr. Sonnerat favoured me with an answer the same day; he expressed astonishment at my saying there were slaves in Yanam, assured me he would make enquiry, and if any who had belonged to the English territory were found, he would readily send them to me. On the 9th, Mr. Eilbrackt, chief at Juggernaickpooram, answered a letter I had written to him on the same subject, in a manner somewhat similar and equally uncandid.

Knowing that I could depend on the information I had received, and suspecting Mr. Sonnerat of having private reasons, not to be very solicitous to put a stop to the trade, I stationed a peon in Yanam, secretly to observe what passed there. On the 3d inst. he gave me notice that he had seen and counted sixty-five slaves, who were confined in one house. I lost no time in waiting on Mr. Sonnerat. I acquainted him, that slaves were confined in Yanam, and offered to conduct him to the place (only a few yards distant from his house), and urged him to fulfil the promise he had made to me; he seemed at a loss; he said I had embarrassed him, and desired to defer the enquiry until the next morning. Apprehensive lest the slaves should be removed during the night, I objected to this delay, again pressed him to comply with his engagement, and demanded the slaves in the name of the English government. He then told me, that my demand must be made in writing; that it was derogatory to his character to visit such a house, and that he must wait for orders from Pondicherry before he took any step in the business. Evasive as his arguments were, and well convinced private considerations would render ineffectual any further application I might make, yet in compliance with his desire, and to remove so far as depended upon me the objections he had made, I demanded the slaves by letter. The letter was delivered to him by Mr. Scobie, acting assistant

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assistant at this factory, who was told, that when it was translated, it should be replied to.

From these circumstances, your Honourable Board will be convinced how little credit is due to the public assurances given by that gentleman, to those in subordinate stations in the English service.

Mr. Sonnerat has been pleased to reply to my letter. His arguments are futile and trifling, unworthy of comment. The slaves, I understand, were removed on the night of the 3d, and dispersed among the inhabitants.

Enclosed, I have the honour to transmit to you, Mr. Sonnerat's two letters, mentioned above (not having a correct translation of them), and copy of my letter to him of the 3d instant.

I have the honour to be, with great respect, &c. &c. &c.

Ingeram, 5th February 1792. (signed) *Matthew Yeats.*

ENCLOSURES.

To Mr. Yeats, Chief at Ingeram.

Sir:—I have received the letter you did me the honour to write me, and by which you inform me, that two French vessels have left Coringa for Juggernaickpooram, for the purpose of selling a great number of slaves. It appears, that within these few days, two of our vessels did sail, but I am ignorant for what intention they have stopped at Juggernaickpooram, that being a strange port. I have no power over French vessels which anchor there. I am sensible with yourself how this traffic is repugnant to humanity, though it is yet authorized with us, exclusive of my opinion and others, in consequence of what you do me the honour to remark, that most part of the Indians transported from the country, are taken on your territories. I shall be very much inclined to oppose it every time it may be in my power; what you say of those shut up in Yenam, astonishes me much more, as I have never given a single slavery bond; and the gentlemen inhabitants of Yenam and its establishment have put a stop thereto, by engaging not to purchase blacks for an article of traffic. I am about to-day to make every search, and if I find any who have been purchased from your territory, I shall hasten to send them back.

I am about sending copy of the letter you have written me to Mr. De Fresne, the governor of Pondicherry, that he may adopt measures to put a stop in the country to so vile a commerce; and I doubt not, that he will give such orders as will prove satisfactory to the English government.

I have the honour to be, with most perfect consideration, &c. &c.

Yanam, 7th January 1792. (signed) *Sonnerat.*

(A true translation.) (signed) *T. Chase*, (French Translator.)

To —— Sonnerat, Esq. Chief at Yanam.

Sir:—In the letter you did me the honour to write to me on the 7th of last month, you expressed surprize at my having intimated, in my letter of the same date, that there were any slaves concealed in Yanam; and declared your readiness to give them up, if any such were found.

I now have the honour, Sir, to wait upon you, in order to point to you the house where sixty-five are confined, and in the name of the English nation, I demand of you to deliver them up to me.

I have, &c.

Ingeram, 3d Feb. 1792. (signed) *Matthew Yeats.*

To Mr. Yeats, Chief at Yanam.

Sir:—I have received the letter you did me the honour to write me yesterday evening, at the house of Mr. Bell; after the conversation that had passed between us, though you have always taken fifteen days or a month to reply to all the letters on service which I have had the honour to write you, I nevertheless reply immediately to your letter. You demand from me, Sir, black slaves, that you say are confined in a house you will point out to me; the citizens of Yanam, after their declaration of the 20th of last month, cannot be supposed to be engaged in the purchase of slaves for an article of traffic; and after the sentiments I expressed this morning, I fancy you have been misinformed, and that, had you been better acquainted, you would not have undertaken the journey after me, which you made last night; what you desired, for us to go together to search a house for me to see blacks which were confined in it, would have injured my character, and no

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doubt your own also; you have not in the least alarmed me, by saying you would write the whole conversation we had together to the council of Madras. I shall always respect the council of Madras, but I command at Yanam the same as it commands at Madras, and it has no right to interfere with my actions. I am responsible to my nation only, and it shall never have to reproach me for humiliating my station; what you told me through the interpretation of Mr. Scobie, that you would write to the council at Madras, that the blacks you demanded were no doubt with me, I was desirous to believe, that Mr. Scobie misinterpreted what you said to me; my sentiments are well known, and if you write them, the council will not credit you.

In fine, Sir, your laws do not admit of the traffic; ours permit it, and I have no right to establish one to prohibit it; as I have not received any orders, all I can do is, not to grant protection to this shameful commerce, and I shall only admit in Yanam such slaves as are really so by the bonds of slavery; all others are free. I have thought it unnecessary to send you copy of the declaration of the inhabitants of Yanam, not to purchase slaves as an article of traffic, having already sent it to the council at Masulipatam.

I have, &c.

Yanam, 4th February 1792. (signed) *Sonnerat.*

(A true translation.) (signed) *T. Chase*, French Translator.

Resolved, That the following letter be written to Colonel De Fresne.

To Colonel De Fresne, Knight of the Royal and Military Order of St. Louis, Commandant of the French Settlements in India, and Governor of Pondicherry, &c. &c.

Sir:—I have the honour to enclose, for your information, copy of a correspondence which has passed between Monsieur Sonnerat, Chief of the French settlement at Yanam, and Mr. Yeats, the English resident at Ingeram, relative to the exportation of the inhabitants as slaves.

In the orders issued from time to time by this government on the above subject, my attention has been solely directed to the object of checking a pernicious practice by such means as were strictly lawful and consistent with the relation in which the English Company stands to foreign settlements on the coast. I esteem it my duty to exert every endeavour for this purpose within the territory under my authority, and strenuously to recommend a similar conduct to those over whom this government have no controul, but who are equally interested in the cause of humanity.

I shall send strict orders to the resident at Ingeram, to execute the instructions he has received with every possible attention to the rights of the French nation, and to the harmony and good understanding which subsist between us; and I assure myself, that you will join heartily with me in restraining a practice so injurious to the feelings of humanity.

I have the honour to be, &c. &c.

Fort St. George, 14th Feb. 1792. (signed) *Charles Oakeley.*

Extract, Fort St. George Military and Political Consultations, the 15th February 1792.

Sent the following letter to Mr. Mathew Tuder, collector in northern and southern division of the Masulipatam Havelly.

Sir:—The chief and council at Pulicat, having transmitted to the Board a copy of your letter to the chief of Jaggernaikpooram, dated the 10th ultimo, on the subject of the slave trade, I am directed by the Honourable the President in council to express his approbation of the remonstrance which you judged it necessary to make on this occasion. But in order to prevent unpleasant discussion between the Board and foreign governments, it is particularly recommended to you to use the most guarded expressions in such letters as you may deem it proper to write to the Dutch chief at Jaggernaikpooram, on this subject. The gentlemen at Pulicat will be written to, requesting they will co-operate with the Board in restraining a practice so injurious to the feelings of humanity; and the President in council relies upon the continued exertion of your best endeavours, to put an effectual stop, as far as your authority extends, to a barbarous traffic, so pernicious to the welfare of the country, as the exportation of its inhabitants as slaves.

I am, &c. &c.

Fort St. George, 15th Feb. 1792. (signed) *W. C. Jackson*, Secretary.

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To Anthony Sadlier, Esq. Chief, and Council at Masulipatam.

Gentlemen:—We have received from the chief and council at Pulicat, a copy of your correspondence with the chief of Jaggernaickpooram on the subject of the slave trade; and they have also submitted to us copies of letters which have passed between that chief and the commandant at Samulcottah, regarding an armed force which have been sent by the latter within the limits of the territory belonging to the Dutch.

The gentlemen at Pulicat loudly complain of this infringement, and insinuate also in their letter to us, that the chief of Jaggernaickpooram has not been treated by you with that respect which his character and station demand. While we approve the exertions which you have made use of to put a stop to a practice so injurious to the feelings of humanity, we cannot too strongly recommend, that every possible attention be paid to the rights of the French and Dutch governments on the coast, and to the harmony and good understanding which subsists between them and us. We would have you, therefore, satisfy Mr. Eilbracht that no insult was meant to his authority by posting a guard at Cokenada, and that, if any of our sepoys passed beyond our bounds, they exceeded their orders, and will be punished.

We have written to the governments of Pondicherry and Pulicat, earnestly requesting, that they will co-operate with us in checking this cruel practice; and we rely upon the continued exertion of your best endeavours to put an effectual stop, as far as your authority extends, to a barbarous traffic, so pernicious to the welfare of the country as the exportation of its inhabitants as slaves.

Fort St. George, 15th Feb. 1792. We are, &c. &c.
(signed) *Charles Oakeley*, &c. Council.

To Mathew Yeats, Esq. Resident at Ingeram.

Sir:—I am directed by the Honourable the President in council, to acknowledge the receipt of your letter, dated the 5th instant, and to inform you, that he approves the representation you made to Monsieur Sonnerat on the subject of the slave trade; but, in order to prevent unpleasant discussion between the Board and foreign governments, it is particularly recommended to you to use the most guarded expressions in such letters as you may have occasion to write to the French chief at Yanam, or to the Dutch chief at Jaggernaickpooram, on this subject. The governor of Pondicherry will be written to, requesting he will co-operate with the Board in restraining a practice so injurious to the feelings of humanity; and the President in council relies upon the continued exertion of your best endeavours to put an effectual stop, as far as your authority extends, to a barbarous traffic, so pernicious to the welfare of the country as the exportation of its inhabitants as slaves.

Fort St. George, 15th Feb. 1792. I am, &c. &c.
(signed) *W. C. Jackson*, Secretary.

Extract, Fort St. George, Military and Political Consultations, 24th Feb. 1792.

Read the following Letter from the Governor of Pondicherry.

To Sir Charles Oakeley, Bart. Governor of Madras, &c. &c. &c.
Fort St. George.

Sir:—I have received the letter with which you honoured me, of the 19th instant, and copy of the correspondence between Mr. Yeats and Mr. Sonnerat, which accompanied it.

For a long time past, Sir, I have been impressed with a similar indignation as yourself at the traffic of slaves, and I had ordered Mr. Sonnerat not to countenance it. I believe that it has been principally encouraged by the facility with which these unfortunate people have been embarked at Coringa, and their purchasers have found of procuring at Jaggernaickpooram bonds of slavery. Whatever has been the cause of this detestable commerce, be persuaded, Sir, I shall adopt every means in my power, that it shall neither be continued nor renewed in the French establishments in India.

Mr. Sonnerat arrived here two days ago, and I have repeated to him my orders, to be as strict as possible in preventing any of these unfortunate people being admitted into Yanam.

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I assure you I should feel infinite pain, if the harmony which reigns between our two nations should be disturbed by a motive of this nature.

Pondicherry, 22d Feb. 1792. I have, &c. &c.
(signed) *De Fresne.*

(A true translation.) (signed) *T. Chase*, French Translator.

MINUTE.—The Board hope, that from the orders given by themselves and by Colonel De Fresne, the slave trade will in future be entirely discontinued.

Extract, Fort St. George, Military and Political Consultations, 2d March 1792.

Received the following Letter.

To the Honourable Sir Charles Oakeley, Governor and President, and the Gentlemen the Members of the Council of Fort St. George.

Honourable Sir and Sirs:—Honoured by your answer of the 14th instant, to our representation of what happened at Jaggernaickpooram, may it be permitted us to engage your attention again on the subject; for, as we trust that justice and equity are the rules of the acts of your government of country and people, so and not less do we hope, Honourable Sir and Sirs, that you are pleased to acknowledge it in us a duty to speak for and defend our dependents against all wrongs, which they with reason complain of to us.

For this reason, Honourable Sir and Sirs, you will be pleased not to take it amiss, that we farther clear our chief of Jaggernaickpooram of the suspicion under which, Honourable Sir and Sirs, he seems to have fallen with you too, by the supposition, as if the trade in slaves for exportation had received too great encouragement by the permission given to foreign contractors, for the sale and transportation of them from our factories.

This supposition we conceive to be founded in the wrong notion and relation of things given by the gentlemen of Masulipatam. We believe that the enclosed advertisements to render the purchase of free men as slaves, in the transportation of the same out of their native country so difficult as it was possible to invent by one, as our chief, not qualified to stop the transportation by forcible means, will convince you, Honourable Sir and Sirs, that since July 1791, it has been the meditation of the above-mentioned chief to oppose this indelicate practice by such means as he was allowed to use, and which he thought would obstruct and stop the avidity of the purchasers of mankind, though the penalties set upon it were not found sufficient to stop the evil; and what is still more, we have, since our late letter, received from Jaggernaickpooram a declaration, of which a copy goes enclosed, of two persons, which, out of your own territory Corenga, deprived of their liberty, were brought as slaves on board of a ship that lay at anchor near the river of Solengy, which, however, on the arrival of that vessel in the roads of Jaggernaickpooram, by the care of our chief, or by sending his servant, the uncle of the two stolen men, on board of that ship, were liberated, and sent to one of your agents to give information of that incident.

By this one and the other, we trust that we have removed the suspicion, as if so low a business as that of trading in mankind, was favoured by the above mentioned, our chief. To shew our aversion to such a detestable trade, and the sincere desire which prompts us, in all which with equity may be required of us, and by virtue of our public authority is practicable, Honourable Sir and Sirs, to join your endeavours to the refranation of this unlawful trade, we have extended our late orders for Jaggernaickporam to all our factories in the north; and we have, besides, ordered to take the necessary measures against our navigators on board of our sloops in the purchase of free people, and not to permit the commanders to export or lawfully to purchase any more, than one one or two for their own service, and not to carry them out of the country, or alienate them when our ships arrive, we shall extend the same to the commanders of such a ship, and all such as belong to it.

More tokens of our good-will, to work together to the execution of this good design, we are not able to give; for finding it ourselves difficult to get what each family may want for food, on account of the great scarcity of rice, the charity of communicating it to the poor cannot find place to that extent, than when there is less

scarcity

scarcity of such an article as this, which alone is able to lay the pinching hunger of the poor, by a hand so liberal and so able as that of the English.

We have, &c. &c.

(signed) *Jacob Eilbracht.* *Fk Wm Bloeme.*
Jacob Saml de Raeff. *Louis Adrien de Brueys.*
J. J. Winckelmans. *Jn Jm Hasz.*

Pulicat, in Fort Geldria, 19th February 1792.

ADVERTISEMENT.

As it has happened more than once, that transfers about slaves were asked to be made out on cajans, which were granted elsewhere, without knowing assuredly how such a transfer happened to be made, to be herein precautious, and also to oppose the evils of kidnapping children, for which there is reason of forming a suspicion, there being at present carried on a great trade in it by various unknown people, it is found expedient to institute.

That hereafter no slaves, whether male or female, shall be allowed to be sold, but by personal appearance before the scribe of those, who by the law of the land may have a right thereto.

That such a person being unknown, shall be held to shew a certificate, signed by the zemindar, thanadar, or any other authorized person, of the place or village to which he belongs, that he there has his fixed habitations, before any transfer be done or made out.

That by this certificate it shall be necessary to appear that a child which the man or woman that appears desirous to sell, is of such relation to them, that the sale of it may be made by him or her.

That it shall be necessary that the scriba, in the bill of transfer, mention that all such evidence is produced and examined by the interpreter and bramin, which both are hereby charged each time to give their vote thereto.

That if any thing be wanting in this evidence, no transfer of slaves shall be made subpœna of nullity.

That each transfer, which is to be made after previous examination, shall be written upon stamped paper, of twelve stivers, to be registered among the original papers, and a copy upon stamped paper, of six stivers.

That for the original copy thus written upon stamped paper, shall be paid by the purchaser to the scriba, four rupees, and one rupee to the interpreter and bramin, for the examination.

Every one is hereby cautioned, that whosoever after the affixion of this shall continue, contrary to the contents of the same, to trade in male or female slaves, shall be corrected according to circumstances.

And that every one may be enabled to avoid all damages, and may have no ignorance to plead, these shall be published and affixed, both in the Dutch and country languages, by the chiefs of this factory, who have signed the same, and confirmed it with the Company's usual seal.

Done at Jaggernaickpooram, on the 16th of July 1791. (was signed) Cas. Leon Eilbracht and P. E. Van Hogendoup: (in the spatium stood) upon order of the Chiefs, published and affixed 18th July 1791, (signed) A. F. Van Holt; (farther below stood) Agreed to, (signed) C. L. Eilbracht.

ADVERTISEMENT.

As the precautions which we have endeavoured to use on the 16th July last already with regard to the manyfold dealing in slaves and the making of transfers, seem not to answer the intended purpose, this trade being still carried on with as much avidity as ever, by purchases which are made both here in this place and elsewhere, confining the exportation of them, as it seems, most here at Jaggernaickpooram, where they imagined to have discovered that Company's peons are used as guards of these dealers.

Therefore it is again ordered and regulated, by these, that for each male or female slave which shall be transported from hence, Jaggernaickpooram, the purchase may have been made here or elsewhere, shall be paid two rupees for the exportation, exclusive of the expenses of the transfer of all such slaves as be purchased at Jaggernaickpooram itself, and which two rupees shall be collected and enjoyed by the renter, one half to find his expenses out of it, and the other half to

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account for it to the poor's box of this place, for the benefit of indigent people, while Company's peons are earnestly cautioned not to suffer themselves to be employed by any one to watch these purchased male or female slaves, under pain of corporal punishment, and dismission from the service in case of transgression.

And that every one may be notified of the same, this shall be publihsed in the Dutch and country languages, affixed at the cutwall's cutcherry, confirmed by the Company's seal, and countersigned by the scriba.

(signed) *C. L. Eilbracht*, (lower) agreed to.
Cas. Leon. Eilbracht, agreed to.

Jaggernaickpooram, 6th January 1792.

(signed) *John Oldham*,
First sworn Clerk for the Honourable Company, (L. S.)

This 23d day of January 1792.—Appeared before me, Albertus Francis Van Holt, bookkeeper, and sworn scriba of this factory, in the presence of the witnesses hereafter to be named, Casili Enkoo Winkay, 23 years old, and Moomedy Neezeloo 20, both inhabitants of Carpa, which upon the request of the gentleman the chief, Mr. Carparus Leonardus Eilbracht, declared to be true and nothing but the truth.

That now nine days ago they went together from the place Candrenn to Yanam, each with a cauwer or cooley load of cloth, for the account of Copool Gangeloo, which the appearers having delivered at Yanam, and being about to go back, met there in the bazar a servant named Soobay, who gave them some mats to be forwarded to one Rajah Gopal at Coringa; the servant having left them, the appearers, half way from Coringa, and having given them a boy to go with them to Coringa, they the appearers, having reached Coringa, delivered the mats to Rajah Gopal, who told them, that he had some cajan leaves which were to be carried to the river side, for which, besides the seven dabbooses each the cooly, from Yanam to Coringa, there should still be given to each of them seven dabbooses.

That they had asked some dabbooses to buy rice, but that they had received nothing, Rajah Gopal saying that it was too late to cook.

That they, the appearers, being called up about twelve at night, were obliged to go to the river side, and upon the question which they made to Gopal, where the cajan leaves were, received for answer, that they lay on the river side.

That they, the appearers, being come to the river side, were ordered by the oft mentioned servant Gopal, to go into the boat which was there.

That, having no inclination to it, and asking what they had to do in the boat, they were forced into it by the boat people with threatenings and blows; and that the boat, as soon as they were come into it, sailed and went to the ship that lay at anchor close to the river Solengy, and which some days after came into this road. Chelengas being come on board with ballast, they told their case to the Chelenga people, and desired them to give notice thereof to their uncle Casiredy Siltana, in the service of the Chief of Jaggernaickpooram, that they might be released, which also was effected to their satisfaction on the 21st instant.

Concluding herewith, they, the attestators, declared what they had attested for the reason of giving information, to be the clear truth, being ready to confirm the same farther with an oath, if required.

This done, and attested in the Dutch factory of Jaggernaickpooram, dated as above, in the province of Adrianus Mattheus da Silva, and Christian Bernardus Dirksz, as witnesses.

The minute of this is written upon *loose seal* for the Honourable Company, and properly signed (below stood) quod attestor (was signed) A. F. Van Holt, sworn scriba.

Agreed to. *Jn. Obdam*, First Sworn Clerk.

Extract, Fort St. George, Military and Political Consultations, 20th March 1792.

Read the following letter to the Honourable Major General William Medows, President and Governor in council, Fort St. George:—

Honourable Sir and Sirs:—A French peon having been seized with some slaves he was escorting to Pondicherry, he delivered to me the enclosed letter. I have not taken upon me to open it, not being convinced of the propriety of my doing so, but have the honour to transmit it enclosed, in the hope it may afford some information to your Honourable Board, respecting that unworthy traffic.

The

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The French at Yanam I find now send off their slaves in small parties by night, to avoid detection, which, when they have passed the English settlements in this part, unite and proceed by land to Pondicherry; some small parties, consisting of about 30 slaves, have escaped me, and are now upon the road to Pondicherry, and three other parties, consisting of 19 slaves, (being part of those I wrote to Mr. Sonnerat concerning on the 3d of last month), have fallen into my hands.

Ingeram, 12th March 1792. I have, &c.

(signed) *Matthew Yeats.*

Diary.—Sent the following Letter to Colonel De Fresne, Knight of the Royal and Military Order of St. Louis, Commandant of the French Settlements in India, Governor of Pondicherry, &c. &c.

Sir:—I have the honour to enclose, for your information, copy of a letter from the resident at Ingeram, on the subject of the slave trade.

I am convinced, Sir, from your letter of the 22d ultimo, that you are very sincerely desirous of uniting your endeavours with this government to put a stop to so disgraceful a traffic, and under that conviction I have deemed it proper to send you the letter to Mr. Bonnefoy unopened, assuring myself that you will cause due inquiry to be made into the circumstances represented by Mr. Yeats.

Fort St. George, 20th March 1792. I have, &c.

(signed) *Charles Oakeley.*

Extract, Fort St. George Military and Political Consultations, 26th March 1792.

Read the following letter from the Governor of Pondicherry.

To Sir Charles Oakeley, Bart. Governor of Madras, &c. &c. &c.

Sir:—I have received the letter with which you honoured me, dated 20th of this month, and the papers which accompanied it; I shall immediately order Mr. Bonnefoy to come to me, that I may deliver him the letter addressed to him, which you had the goodness to send me unopened, which I consider as a very particular attention to myself, and for which I pray you will accept my most sincere thanks.

I read the letter, Sir, which confirmed to me the contents of that from Mr. Yeats; the sending of slaves has been really carried on in small parcels and by land. I am very glad that Mr. Yeats has had it in his power to detain a great many.

I have given to Mr. Sonnerat, who takes his departure in a few days for Yanam, the most positive orders, that he does not admit into that factory any of these slaves; it is the only precaution that I can take to stop so scandalous a commerce. I must observe to you, that it is out of my power to prohibit it; but I will use every means that rests with me to raise obstacles in opposition to its continuance. None are received here; the captains of vessels who have brought them, are obliged to keep them on board their vessels in the road; I can assure you, that I most sincerely regret, that the extent of my authority does not accord with the indignation I have always felt at this inhuman traffic; on this head my sentiments are well known; I have never suffered any occasion to escape of manifesting them. In justice to Mr. Bonnefoy, I inform you he had no interest whatever in the slaves which were stopped by Mr. Yeats, and that he has never even been concerned in this commerce, directly or indirectly; the letter to his address, which you so obligingly sent me, was from the commanding officer of a little vessel, which announced that his correspondent sent the said slaves. I beg of you to be persuaded, that I shall not neglect any effort in my power to second those of your government, against the continuation of this commerce.

I have, &c.

(signed) *De Fresne.*

(A true translation.) *T. Chase*, French Translator.

The Board hope and trust, from the precautions taken by them, that the slave trade will no longer meet encouragement at the foreign settlements on this coast.

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Extract of Fort St. George Public Consultations, 11th September 1792.

Read the following letter from Ganjam, with papers accompanying it.

To the Honourable Sir Charles Oakeley, Bart. Governor in Council, at Fort St. George.

Honourable Sir:—An inhabitant of this town having complained to me, that Guilliard, the commander of a small French schooner, at anchor in this roadstead, had inveigled his son on board, and was carrying him off for a slave; I caused the the vessel to be searched immediately, and had the pleasure to restore the child to his parent.

Besides him were discovered four female slaves and one other male slave, inhabitants of Bimlipatam, whom it appeared, upon examination, Guilliard had kidnapped and forced on board his vessel in the night at that place; these were also manumitted, and have been forwarded by me to Mr. Michael Keating, with the enclosed letter.

I have acquainted Guilliard, that I shall detain him here (suffering, however, his vessel to depart), until I am honoured with a communication of your orders, which I have accordingly to request.

I have, &c.

Ganjam, 26th August 1792. (signed) *Thomas Snodgrass.*

To Mr. Michael Keating, Manager and Collector of the Chicacole Havelly, at Chicacole.

Sir:—I have the pleasure to forward to Bimlipatam, the place of their nativity recommended to your care, four female and one male slave, as per enclosed list, whom I have taken upon me to manumit from a French schooner, Guilliard, commander, who, by the evidence I have taken here, appears to have used compulsion to ship them from thence.

They are attended by a cutwal peon, and have each been advanced ten rupees, to bear their expenses until re-established by your means with their relations and connections.

I have, &c.

Ganjam, 26th August 1792. (signed) *Thomas Snodgrass.*

List of Persons.

Wassipilly Paupah	- - - -	Female.
Milupilly Ankah	- - - -	Do.
Sunka Malee	- - - - -	Do.
Cumadee Gonoy	- - - -	Do.
Sunka Rupanah	- - - - -	Male.

Ganjam, 26th August 1792. (signed) *Thomas Snodgrass*, Resident.

Resolved, That a copy of the above letter be sent to the Governor of Pondicherry, and that he be acquainted, it is the Board's intention to direct the resident to permit the person complained of to proceed to Pondicherry, forwarding to us the particulars of the examinations taken on the occasion, which will be transmitted to Major General De Fresne, for his further information.

The Board are convined, that it is unnecessary for them to urge any arguments to induce the Governor of Pondicherry to take effectual steps for bringing the offender to justice, or for co-operating with the Board in the discouragement of such improper practices.

To Major General De Fresne, Commandant of the French Settlements in India, Governor of Pondicherry, &c. &c. &c.

Cons. 12th Sept.

Sir:—I have the honour to transmit you, copy of a letter from the resident at Ganjam, respecting the conduct of the commander of a small French vessel, in carrying off by force, several natives for slaves, belonging to districts under this government.

The resident has been directed to allow the person complained of to proceed to Pondicherry, and to forward to us the particulars of the examinations taken on the occasion, which I shall transmit for your further information. I am convinced that it is unnecessary for us to urge any arguments to induce you to take effectual steps for bringing the offender to justice, or for co-operating with us in the discouragement of such improper practices.

I have, &c.

Fort St. George, 12th Sept. 1792. (signed) *Cha. Oakeley.*

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Extract of a Letter to Ganjam; dated Fort St. George, 12th Sept. 1792.

The Board approve of the steps taken by you, in liberating the natives forced on board the French schooner for slaves, and they desire the commander be allowed to proceed to Pondicherry, and that you will forward to them the particulars of the examinations taken on the occasion.

To Sir Charles Oakeley, Bart. Governor of Madras.

Cons. 25th Sept.

Sir:—I have received the letter with which you honoured me, dated 12th instant, and the papers annexed therewith; I cannot express to you how much indignation and displeasure I feel at the just subjects of complaint, that some French give your government against them. I have hitherto done whatever depends upon me to oppose the continuance of a traffic, which is an offence to justice and humanity. No slaves are received at Pondicherry. I have ordered the chief at Yanam to issue a proclamation to prevent every person from buying or introducing them into that factory. I will take the best precaution that my orders be executed; but, Sir, I must confess to you, that, in the present circumstances, my power is inadequate to give you all the satisfaction that I am desirous of in this business. I believe, then, that the most efficacious method of preventing the traffic, of which you have so just a cause to complain, will be, to judge those according to the rigour of your own laws, who shall be detected trespassing; an example will infallibly produce the salutary effect, which, I assure you, I am as desirous of as yourself.

I have, &c.

Pondicherry, 19th Sept. 1792. (signed) *Corniel R. De Fresne.*

(A true translation.) (signed) *Tho. Chase,* French Translator.

Ordered, to lie on the table.

Extract of Fort St. George Public Consultations, the 16th October 1792.

Read the following letter from Ganjam, with the paper accompanying.

To the Honourable Sir C. Oakeley, Bart. Governor in Council at Fort St. George.

Honourable Sir:—I have received your secretary's letter of the 12th instant, and, agreeably to your requisition, have now the honour to transmit to you, the depositions of the persons whom I released from Captain Guilliard's vessel, to which, I have annexed, for your fuller information, all subsequent occurrences.

Ganjam, 30th Sept. 1792. I have, &c.

(signed) *Thomas Snodgrass.*

On the 21st August 1792, appeared before me, Thomas Snodgrass, resident at Ganjam, a bird-catcher, named Locanaut, to complain that his son Caovenaut had been betrayed on board a French vessel in the roads, which was then sailing away; it falling calm, and the vessel coming to anchor, but a small distance to the southward of the roads, afforded me an opportunity, which I immediately embraced, of sending the father with my peons on board the vessel to search for and recover his son, with orders to bring the vessel back into the roads, until it might be ascertained, whether or not any other persons were detained on board of her against their will. At the same time I gave directions to the cutwal to detain Captain Guilliard, who had remained on shore, for the purpose of proceeding by land to Bimlipatam.

The vessel was brought back into the roads, and the boat returned with the bird-catcher and his son, when the latter, named Caovenaut, deposed, that he had carried a large bird to Captain Guilliard for sale, for which he had asked half a rupee, and that Captain Guilliard promised to give him a whole rupee for it, provided he would carry it down to the beach for him, at which he, Caovenaut, was very happy, but that when he got there, Captain Guilliard told him he must go on board the vessel for payment, which he reluctantly consented to, and when there, was neither paid nor allowed to return on shore, until his father and peons came to release him. On Caovenaut's being asked, if he knew of any other person being on board the vessel under similar circumstances, he answered, that there were three women, a girl, and

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a boy, on which I immediately sent orders that they also should be brought on shore; they came on shore 22d of August, and were named as follows:

Wassipilly Paupah, female.	Milupilly Ankah, female.
Sunka Malie - - d°	Cumadee Golay - d°

Sunka Rupanah, male.

The two last being very young, and the children near relatives of the women first mentioned.

The three women unanimously deposed before me, that they, the two children being in company, had offered some mats for sale to Captain Guilliard, at Bimlipatam, that he called them into his compound to bargain for the mats, where he detained them until dark, and then sent them to the beach to deliver the mats to the boats; that when there, he forced the whole five into the boat, and sent them on board his vessel, where, by compulsion, he made the women submit to his desires, and eat of his food, until released by my interposition as above recited.

Ganjam, 22d August 1792. (signed) *Thomas Snodgrass.*

On the 27th August I received a letter from Captain Guilliard, pleading ill-health, and desiring permission to proceed to Bimlipatam; in answer to which I informed him, that his vessel might proceed on her voyage, and that himself, upon the production of the surgeon's certificate that his health required it, might also proceed to Bimlipatam; but that, unless he could offer bail for his appearance, I should in such case provide a guard of sepoys, or peons, that his person should be made amenable to the laws, on the receipt of instructions from the Honourable the Governor in Council at Fort St. George.

Ganjam, 27th Sept. 1792. (signed) *Thos Snodgrass,* Resident.

If Mr. Guilliard shall not have proceeded to Pondicherry, conformable to the orders of the 12th ultimo, it is—

Resolved, That he be detained at Ganjam, and, in consequence of the testimony given of the trespasses he has committed, that he be fined in the sum of 200 rupees, (to be distributed among the natives liberated from the vessel under his command,) imprisoned for three months, and until he pays the fine, and that he be then publicly expelled the district.

Extract of Fort St. George Public Consultations, the 17th October 1792.

Sent the following letter:

To Mr. Thomas Snodgrass, Resident at Ganjam.

Sir:—Since the date of our letter of the 12th ultimo, the governor of Pondicherry has expressed his request, that we would take upon ourselves the punishment of such individuals of the French nation as are detected in carrying off the natives as slaves. If, therefore, Mr. Guilliard has not proceeded to Pondicherry, conformable to our orders of the 12th, we direct that you detain him at Ganjam; and in consequence of the testimony given in the paper which accompanied your address of the 30th ultimo, of the trespasses he has committed, we direct that he be fined the sum of 200 rupees, (to be distributed amongst the natives liberated from the vessel under his command,) imprisoned for three months, and until he pays the fine, and that he then be publicly expelled the district.

We are, &c. (signed) *Cha. Oakeley,* &c. Council.

Fort St. George, 17th October 1792.

Extract of Fort St. George Public Consultations, the 21st December 1792.

Read the following letter from Ingeram:

To the Honourable Sir Charles Oakeley, Bart, President and Governor in Council at Fort St. George.

Honourable Sir, and Sirs:—The Sultan Favourite, Captain Gambo, and another French vessel, now in Coringa Roads, have received on board a considerable number of the inhabitants of this country, with a view of transporting them to the French islands as slaves. As these vessels will most probably touch at Pondicherry, I think it my duty to offer this information to your Honourable Board, that such measures may be pursued as appear fittest to you for the recovery of the inhabitants.

The

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The particulars of this shameful transaction I will have the honour of transmitting to you in a few days; in the mean time, I have pledged myself to the inhabitants, that every exertion shall be made on my part to restore their children and friends to them.

I have, &c.

Ingeram, 15th Dec. 1792. (signed) *Matthew Yeats.*

As the governor of Pondicherry has declared his authority insufficient to restrain the conduct of French subjects in regard to the purchase of slaves, it will be necessary for the resident at Ingeram to exert himself by all prudent means to restrain the practice. If he suspects any French vessel of having inhabitants on board as slaves, he should demand the privilege of searching them; and if it be refused, he should deny such vessels all means of communication or supply from the shore. In the event of any Frenchman being on shore within the limits of Ingeram factory, and detected in bargaining for slaves, it is resolved, that the resident be directed to seize the person of such offender, and keep him in confinement until instructions can be received from the presidency.

Extract of Fort St. George Public Consultations, the 22d December 1792.

Sent the following letter of this date:

To Mr. Matthew Yeats, Resident at Ingeram.

Sir:—We have received your letter of the 15th instant, and have to observe in reply, that the governor at Pondicherry has declared his authority insufficient to restrain the conduct of French subjects in regard to the purchase of slaves; and it will therefore be necessary for you to exert yourself, by all prudent means, to restrain the practice. If any French vessel in your port should be suspected of having slaves on board, you are to demand the privilege of searching them; and if that be refused, you are to deny such vessels all means of communication or supply from the shore; and in the event of any Frenchman being on shore within your limits, and detected in bargaining for slaves, we would have you seize the person of such offender, and keep him in confinement, until you can receive instructions from the presidency.

We are, &c. (signed) *Cha. Oakeley.*

Fort St. George, 22d December 1792.

Extract of Fort St. George Public Consultations, the 4th January 1793.

Read the following letter from Ingeram, with the papers accompanying it:

To the Honourable Sir Charles Oakeley, Bart. President and Governor in Council at Fort St. George.

Honourable Sir, and Sirs:—I had the honour of addressing you on the 15th instant, respecting the shameful traffic of human beings still persevered in by the French traders at Yanam. I have now the honour of submitting to you my conduct on that occasion, with every information I have been able to acquire.

It seems that the French ship Mars, Captain Gambo, (formerly the Sultan Favourite,) sailed from Coringa Bay about the 18th of last month, onthe pretence of transporting grain to Bimlipatam, but that her real destination was Wotaroah, and other parts of the northern coast, at a distance from the English factories, for the express purpose of purchasing slaves. She returned to this bay early in the present month, with a considerable number of slaves on board, though insufficient to the purpose of her owner, Mr. Lewis De Mars, who, retiring with his fortune from this part of India, was procuring a cargo of slaves for her.

The French ship Courier de Yanam, Captain La Blanche, was also at that time in Coringa Roads, employed in the same trade; a circumstance then not known to me.

As the season of departure approached, every means were deemed justifiable to complete the number of slaves required for those vessels: the long famine which has prevailed in this country had hitherto enabled the French to procure any number of slaves without proceeding to acts of violence; but rice being now in some degree of plenty, they could not be had on the easy terms, or in such numbers as they formerly were; less cautious measures than had hitherto been pursued became necessary to procure them, and were openly practised. Not only such beggars as were to be found in Yanam were picked up, but country people, who had come

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there to purchase rice, were either forcibly carried or decoyed by their emissaries to places of confinement.

On the 13th some boats were sent off to the ships with slaves, and a Brahmin boy, about nine years of age, having been lost, it was concluded he was among the number; the ferment which had already begun among the inhabitants and country people in the place, now broke forth; they assembled in considerable numbers about the chief's house, and clamorously demanded their children and friends of him. I passed through Yanam late that night; they surrounded my palanquin, the sides of which being nearly closed, I did not perceive their motive, but concluded from the noise I heard, that it was a drunken riot in the bazar, in which idea I was confirmed by hearing my boys encourage each other to pass on. On my arrival at the factory I was again surrounded by a considerable number of people, who entreated me in a most urgent manner to interfere, and be the means of restoring their children and friends to them. I lost no more time in repairing to the French chief than was necessary to prepare a letter to leave with his servants, in case the unseasonable hour of my visit had been made a plea for not receiving me. After some time, Mr. Sonnerat came to me; I acquainted him of what had passed, and demanded in the name of the English government an immediate release of their inhabitants. He did not pretend ignorance; he gave me his solemn assurance, that the clamour had been without foundation; that during the evening he had himself examined every godown in the place, and not one slave was to be found. At that moment a Gentoo pointed to a godown on the opposite side of the street, not 20 yards distant from his house, and without one object intervening to obstruct the sight, and told one of my servants there were slaves confined in it. I insisted upon searching the godown; Mr. Sonnerat reluctantly complied; and six women and one child were found confined in it. They told me in his presence, that two nights past two boats had been sent away with slaves, and as more could not be crowded into them, they had been reserved for another opportunity. One house suspected by some of the inhabitants, was also searched, but to no purpose; the people it had contained, had either been sent to the vessel or otherwise secreted. In the guard-room five men were confined, who Mr. Sonnerat told me in exulting terms, were to be punished for having purchased slaves.

Finding it useless to remain longer in Yanam, I delivered to Mr. Sonnerat the letter I had prepared, claiming the release of the inhabitants, and proceeded to Nellapillee, at which place I had previously ordered the few sepoys at the factory to assemble; I gave them in charge to Mr. Robert Scobie, acting assistant at this factory, to whom I delivered a letter, to be addressed to any commander he might find at Coringa, whose vessel was of sufficient strength, to release the inhabitants confined on board of the Mars. He found no one there willing to undertake it, and having gone on board the ship Bombay, Captain Frayor, then in the roads, he was also refused by him. It seems to have been the opinion of the commanders, that not any force they could collect at Coringa would afford a reasonable hope of success in attempting to rescue slaves from a vessel manned by Europeans, and having by report 18 guns mounted.

On the 15th I received a letter from Mr. Sonnerat, who informed me, that he had sent an order on board of the two vessels, to deliver up all children who were claimed. Little as I was induced to expect any benefit from such a measure, yet disappointed of releasing them by other means, I in answer, required of him to allow Mr. Scobie to attend on that occasion, and to direct, that all slaves found on board of them should be delivered to him. An order was given to that purpose, and Mr. Scobie and Mr. Du Cimetere went on board of both vessels; they produced the order, and were informed it could not be complied with. Mr. Scobie assures me he saw many slaves on both vessels, and distinctly heard the cries of those confined below.

On the 16th I applied to Major Wynch, commanding at Samulcottah, for 100 sepoys, with their officers, hoping by that means to encourage the commanders of vessels to give their assistance, but the express had not been gone many hours, when the French ships left the port. They went off in such haste as to leave two boats of water behind; and I think it probable they may from that cause be obliged to call at Pondicherry, or some other port to the southward, or if they apprehend danger there, they may be obliged to go to the east coast of the bay for water, as they can scarce have a sufficient supply on board to serve them to the Isle of France, the place of their destination. The Mars is said to have 600, the Courier de Yanam 300, inhabitants, on board as slaves. The cruelty of tearing those people from their families,

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families is not a little aggravated by the reflection, that Mr. De Mars, the owner of the former vessel, was only a few years past chief of the settlement from whence they were transported.

The suppression of a trade so inimical to human happiness, and so destructive to the interests of a country already deprived of one moiety of its inhabitants by famine, is a subject which claims the most serious attention. A few moments of reflection sufficiently points out, that it cannot be effected by the exertion of an individual, unpossessed of the means of enforcing the orders of government, or of putting any vigorous measure, however necessary, into execution. The allurement of large profit, is, in almost all situations, too great to be withstood by the bulk of mankind; but when a person in public trust, either silently permits, or covertly engages in a traffic disgraceful in its nature, the odium attending it is soon lost in the example, and even those of better inclinations find a ready excuse for the pursuit; such I take to be the present state of the slave trade at Yanam.

It is in vain that Mr. Sonnerat prohibits by proclamation a slave trade in that settlement; it is in vain that he selects a few offenders (made so by those whose duty it was to restrain them by example), for the ostentatious purpose of public punishment; something more than appearance is necessary to conviction; mankind will not believe, that in a village not one mile in length, and yet less in breadth, many hundreds of human beings can be confined and shipped off to slavery without the knowledge of the chief residing in it, nor will they admit that knowledge can be neglected but from motives not to be avowed.

I take liberty to submit to you, Honourable Sir and gentlemen, if it might not be useful to station a subaltern officer of some experience, with a company of sebundy sepoys at Coringa. The increasing of the guard now there could not be attended by much expense, if by any; and the knowledge of such a force, would doubtless, in some degree lessen, if not wholly prevent, this shameful and ruinous trade, and at the same time restrain the licentiousness of sailors and lascars who frequent the port.

I have applied to Mr. Sonnerat, to point out to me the English commanders, who he says, in his letter of the 14th instant, are accused of being concerned in the slave trade; but as yet I have not been favoured with his answer; my utmost endeavour shall be exerted to discover the truth or otherwise of this charge, and the name of the offenders, if such there be, shall be immediately transmitted to you.

In further explanation of this business, I have the honour to send inclosed, twelve papers relative to it. The declaration of the inhabitants being extremely similar, has induced me to transmit only five of them; but should your Honourable Board deem it necessary, any number may be taken, every man in this country being in possession of the facts. I have, &c.

(signed) *Mathew Yeats.*

List of Papers inclosed.

N° 1.—Mr. Yeats to Mr. Sonnerat, 14th December 1792, ½ A. M.
2.—Mr. Yeats to Captains of Vessels, 14th December 1792, 3 P M.
3.—Captain J. Frayor to Mr. Yeats, 14th December 1792.
4.—Mr. Sonnerat to Mr. Yeats, 14th December 1792.
5.—Mr. Yeats to Mr. Sonnerat, 15th December 1792.
6.—Mr. Sonnerat to Mr. Yeats, 15th December 1792.
7.—Mr. Sonnerat's order to the captains of French vessels, 15th Dec. 1792.
8.—Mr. Yeats to Major Alex^{r} Wynch, 16th December 1792.
9.—Major Alex^{r} Wynch to Mr. Yeats, 17th December 1792.
10.—Mr. Yeats to Mr. Sonnerat, 18th December 1792.
11.—Declarations, 20th December 1792.
12.—Mr. Yeats to Mr. Corsar, 15th December 1792.

(11.)—Five declarations, made by the inhabitants residing in the vicinity of the English factory at Ingeram, in the presence of Messrs. Mathew Yeats, Patrick Bowie, Charles Carpenter, Francis Archibald Savage and Robert Scobie. Ingeram, 20th December 1792.

(1.)—*Bundada Vencataroyaloo*, inhabitant of Yanam, says he is a banyan, and was formerly a merchant employed by the French East India Company, in the provision of their investment; but has for some time past resided at Vizinagarum and other places in the north. That he returned to Yanam about ten days ago, and found that the poor of the adjacent countries had come to this part to benefit by the charity distributed by the English Company. That Mr. De Mars, Mr. Le Blanche, and

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and Mr. Ellardine, at that time employed people to purchase, or take by violence, not only the poor who were begging in the streets, but also such of the inhabitants of Yanam, and strangers frequenting the place, as they could conveniently lay hold on, whom they confined and sent on board of ships in Coringa bay, to be exported as slaves. The names of the principal people employed in this business are as follow :

La Guarie, baker,
Ellardine, cook,
Tournier, writer to Mr. Andel,
Collendon, writer to Mr. De Mars,
Mignel, a Portuguese,
Pedro, ditto,
Bonta Vencanah, dubash to Mr. Sonnerat.

GENTOO MEN.

Dansary Lingadoo,
Endra Ven Catashum,
Tomboory Tombadoo,
Tomboory Vencadoo,
Jungum Chinniah,
Jungum Sabadoo,
Bogum Vencatasha.

MOOR MEN.

Hussain Saib,
Hussen Saib.

That they also sent people to some of the neighbouring villages to propose work to tailors, coolies, &c., who being brought to Yanam, were confined until an opportunity offered of sending them by night to the ships; that some of those who were refractory were gagged, and a stupifying liquor given to others, who were sent off in that condition; that a Bramin boy belonging to the village of Autere, in the Mugultore district, was seized in Yanam, when not far distant from his parents; that a Bramin girl was also seized, but he knows not to what village she belonged; that a woman and boy of the dancing caste, were decoyed from Nellapille to Yanam, and sent off to the ships, but that Mr. Sonnerat, at the intercession of their friends, sent an order to the captain, who released them, that upon their return, they reported that the vessel they had been in had on board of her many slaves, among whom were some family women, whom they knew to be such by their toys and dress, and some Bramins; that the French preparing to send off some boats with slaves on the 13th, was the reason of the inhabitants assembling; that they applied to Mr. Sonnerat the chief, who refused to give them any redress, and that they then went to the English resident, by whose means some few were released.

(2.)—Declaration of *Mootala* and *Muddala Ammiah*, a woman and boy belonging to a house of dancers.

The woman says, that a man called Veerasha, a washerman, came to her at Nellapillee, and desired her to go with him to a gentleman in Yanam, that she accordingly went with him, accompanied by the boy, that the gentleman gave her arrack to drink, and when she was in a state of intoxication, they put her and the boy into a boat, where there were about ten other people, and carried them on board of a vessel in the roads. That while the boat was in the river, the boy leaped overboard, but being pursued, was taken and put into the boat again. That she saw many people in the vessel, who by their dress and toys, seemed to be of caste, and some women with children at their breasts; that they were confined some days, and then sent on shore.

(3.)—Declaration of *Muddala Paupee* and *Muddala Banma*, inhabitants of Nellapille:

That Mootaloo and Muddala Ammiah (the people last examined), belonging to their house, that they went to Yanam, and not returning in four days, the declarants went in search of them. That being told many people were in confinement in Yanam, they applied to Mr. Sonnerat the chief, to release the woman and boy if among the number, that Mr. Sonnerat told them not to make a noise and they should be returned to them; that he sent them to a godown where forty or fifty people were confined, but the woman and boy not being there, they returned to Mr. Sonnerat, who desired them not to mention the circumstance, and again assured them the woman and boy should be returned. That they remained in Yanam some days, and again applied to Mr. Sonnerat, who then gave a letter to a French gentleman, with whom he sent a peon, desiring the declarants to wait their return; that on the following day the woman and boy were landed at Yanam, and carried to a choultry near to Mr. Sonnerat's house; that Mr. Sonnerat sent word to them to take the woman and boy away, which they accordingly did.

(4.)—Declaration of *Soorumpoody Mootanah*, of the village of Autere, in the district of Mugultore:

That

That he is a Bramin, and came with his family to Yanam to beg of his caste; that they gave him some charity, but not sufficient; that his son, a boy of about nine years of age, went again to beg, but did not return; that he went in search of him, and being much affected, was told by two fisherwomen that it was needless to make any more noise, for that the French had confined the boy to send on board of ship; That he then went to the French chief, who desired him to be quiet, and said he should have his boy in the morning; that soon afterwards he went with may others to the English resident, to ask for redress, but that the boy has not been returned to him.

(5.)—Declaration of *Survoo*, a Gentoo woman, inhabitant of Gollapolam:

That about the 10th of this month, hearing rice was cheap at Yanam, she went there to purchase two rupees worth; that she met a man named Jungum Scoobacloo, who offered to supply her the next morning, and said he would give her victuals if she would follow him and purchase of him; that she went with him to a godown, and on her asking him for rice, he beat her and left there in confinement; that there were many others confined in the same godown; that the same night, two gentlemen, accompanied by some more peons, came to the godown and carried them to the water-side, where two boats were loaded with people and sent off, but not being able to contain the whole, ten of them were returned to the godown, she being one of the number; that two of those who were returned being sick were separately confined, and the other eight were released two nights afterwards by the English resident. The above five declarations were made in our presence at Ingeram, the 20th December 1792.

(signed) *Matthew Yeats*, *Cha. Carpenter*,
F. A. Savage, *Robt Scobie.*

(1.)—To Pierre Sonnerat, Esq. Chief of the French Factory at Yanam.

Sir,—In passing through your settlement about an hour ago, my palanquin was surrounded by a multitude of people screaming in the most hideous manner; supposing them to be only a drunken mob I passed on, but to my surprise, on arriving at this factory, I found the court yard filled with people venting their execrations on the conduct of the citizens of Yanam, who, they inform me, have stolen upwards of three hundred of their friends and children, and confined them in a godown belonging to a man named Pedro, who resides in the very heart of your settlement, and not far distant from your house, with an intent of embarking them during the darkness of the morning on a vessel belonging to Mr. De Mars, and transporting them into slavery.

I had the honour, Sir, of writing to you not many days ago, requiring the release of some children said to be confined on board of that vessel, when you assured me, that if any such were to be found, they should be released; you have also, Sir, given repeated assurances to the English government, that no such traffic should exist at Yanam.

I now, Sir, call upon you in the name of the English government, to release those people, all, or at least the greater part of whom are English subjects, and to bring to justice, according to your laws, those concerned in this shameful traffic.

Ingeram, 14th Dec. 1792. I have, &c.
(signed) *Mathew Yeats.*

(2.)—To Captain commanding the ship Coringa Bay.

Sir,—The captain of a French ship in Coringa Bay, having, I am informed, embarked a considerable number of the inhabitants of this country on board of his vessel, for the purpose of carrying theim into slavery, I apply to you, Sir, in the name of government, to assist with your vessel in searching her, and releasing such of the inhabitants as you may find on board of her; and I hereby declare myself responsible and solely answerable to government for this measure, and to you, for all losses and damages you may sustain by carrying it into execution.

Nellapille, 14 Dec. 1792. I am, &c.
(signed) *Mathew Yeats*, Resident, Ingeram.

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(3.)—Mathew Yeats, Esq. Resident at Ingeram.

Sir:—Was the ship under my command in a state of defence, I would use every endeavour to liberate the unhappy natives on board of the French ship now in the roads, but I have not a gun mounted, or one to mount; and it would be exposing my ship's crew to little purpose, to send them unarmed against a crew of Europeans.

I am, &c.

Ship Bombay, 14th Dec. 1792. (signed) *J. Frayor.*

(4.)—Mathew Yeats, Esq. Chief at Ingeram.

Original.

Monsieur:—Jái été extremement peiné des plaintes que quelques Indiens vous ont portées hier, relativement à quelques enfans qu'on avoit enlevés à leur famille pour les envoyer comme esclaves. La même plainte m'avoit deja été faite sur les neuf à dix heures du soir; et comme je suis loin de tolerer des infamies pareilles, j'avois arrêté et fait mettre en prison tous ceux soupsonnés de faire le trape des noirs, pour les interroger aujourd'hui, et punir ceux qui sont en faute comme ils le meritent. Ceux qui se sont adressés á vous, Monsieur, ont inculpés, mal-à-propos, tous les citoyens à Yanam. Il ne s'en suit pas d'ici qù'un individu s'est exposé au blame même de ses concitoyens que les autres soient capables de se degrader au point d'être accusés d'avoir enlevés des infans. Je suis garant de leur honnêteté: je leurs tairai donc la phrase qui a rapport à eux dans la lettre que vous m'avez fait l'honneur de me remettre hier, parcequ'ils ne pourroient s'empecher de demander justice de ceux qui ont osé les attaquer dans leur honneur.

Le rapport qu'on vous a fait que plusieurs esclaves etoient confinés dans une maison d'un Ne Pedre etoit sans fondement. Aussitôt qu'on má dit qu'on soupsonnoit qu'il y'en avoit dans cette maison je m'y suis transporté, et j'ai fait une fouille exacte: avec les denonciateurs même nous en avons fait de même ensemble sans avoir rien trouvé. Cette maison est habiteé par Mr. Hippolite, et je ne puis croire qu'il ait jamais eu l'intention de transporter des noirs comme esclaves, son vaisseau dans ce moment chargeant de balles pour Pondicherry, ou il seroit mal reçu s'il en avoit a son bord, l'assemblée coloniale des etablissement François dans l'Inde, a faite une proclamation qui defend á tous François d'en acheter un seul, c'est d'apres cette proclamation que j'ai mis la plus grande rigueur d'empecher ce commerce tentes les fois que j'ai pû être instruit ou on en rassembloit; je les ai fait saisir; en votre absence j'en ai fait transporté cent-dix à Nellipelle, et la je leurs ai rendu leur liberté le deux du mois dernier j'ai eu l'honneur de sous en envoyer dix-huit et seize le huit du même mois. J'en avois arrête douze d'un capitaine Anglois, mais d'apres une lettre que m'ecrivit. M. Scobie en votre absence je me suis vu forcé de les relacher. Je sous en ai remis sept hier, que je devois vous envoyer ce matin, un moment après on en a conduit chez vous quatorze que j'avois fait prendre dans un godon.

Il n'a pas été en mon pouvoir, Monsieur, d'empecher que Mr. De Mars n'emmena sur son vaisseau des Indiens pour les porter sans doute comme esclaves à l'Isle de France. Mr. De Mars connoissoit la proclamation de l'assemblée coloniale des etablissement François dans l'Inde, et le seroit bien gardé d'en traiter un seul dans Yanam: s'il en à il les a traité à Jaggenapoor, à Bimlipatam, et dans quelqu' autres des dependantes du gouvernement Anglois, sans être aucunement inquieté, mais peut-étre les plaintes ne portent elles pas seulement sur Mr. de Mars. On m'a reporté que trois vaisseaux Anglois viennent de partir pour l'Isle de France avec quantité d'esclaves; si cela est (ce qui nous saurons sous peu de tems avec certitude), il seroit etonnant que les Anglois soient les premiers a enfraindre une loi que leur gouvernement à promulgue.

Au reste, Monsieur, les limites de Yanam et mes moyens, sont trop restrains pour pouvoir faire plus que je n'ai fait, tant que le gouvernement Anglois ne mettra pas des forces a Coringue pour empécher ces exportations. On vena toujours quelques particuliers sens delicatesse, avides et attirés par l'appût du gain, entreprendre cet honteux trafic. Persuadés que je m'ai aucun droit sur eux lorsqu'ils sont en rade de Coringue, et que les Anglois n'ont pas de force pours leurs empécher de le faire, ils sont surs de l'impunité.

Je viens d'envoyer un ordre á bord des deux vaisseaux, que sont en rade de Coringue, pour qu'ils rendent tous les enfans reclamés.

J'ai l'honneur d'être avec une parfaite consideration, Monsieur,

votre tres humble et tres obeissant serviteur,

Yanam, le 14 Dec. 1792. (signé) *Sonnerat.*

Je vous envois trois enfans que j'ai fait saisir.

(5.)—To Pierre Sonnerat, Esq. Chief at Yanam.

Sir:—I have received your letter of yesterday's date, informing me, that you have sent people to search Mr. De Mars's vessel for some of the inhabitants of this country concealed on board of her. I now, Sir, send Mr. Robert Scobie to you, on the part of the English government, to assist on that occasion, and require of you to direct, that such of the inhabitants as may be found on board of her shall be delivered up to him.

I also request, that you will order the other French vessel, now in Coringa roads, to be searched for the same purpose, being well informed she has slaves on board.

I have, &c.

Ingeram, 15th Dec. 1792. (signed) *Mathew Yeats.*

6.—Mr Yeats, Ecuyer, Chef à Ingeram.

Monsieur:—Je viens de reçevoir la lettre que vous m'avez fait remettre par Mr. Scobie, pour correspondre aux veux du gouvernement. J'ái remis à M. Ducimiterre un ordre à tous les capitaines François mouillés en rade de Coringue, qu'ils aient à rendre a M. Scobie, qui accompagnera M. Ducimiterre, tous les naturels de ce pais s'ils en ont abord.

J'ái l' honneur d' être, &c.

Yanam, 19 Decembre 1792. (signé) *Sonnerat.*

7.—Au nom de le Nation, de la Loi, et du Roi.

Il est ordonné à tous les capitaines commandants les vaisseaux François mouillés presentement en rade de Coringue, de rendre au porteur du present ordre, les naurels de pais qu'en les taxe d' avoir à leur bords.

Donné a Yanam, en l'hotel du gouvernement, le 15 Decembre 1792.

(signé) *Sonnerat.*

Nous sous-signés, proposés par le resident Anglois à Ingeram, et le commandant François a Yanam, declarons nous être transporter à bord des vaisseaux François le Mair et le Courier d' Yanam; avons communique le present ordre aux capitaines de ces deux vaisseaux, qui nous ayant refusé de faire aucun reponse et de l' écrire, nous ont contraint à nous retirer, en foi le quoi nous avons signé à present, à bord du Courier d' Yanam, le 19th Decembre 1792, à onze heures de la nuit.

(signé) *Du Cimiterre.* *Robert Scobie.*

8.—To Major Alexander Wynch, commanding at Samulcottah.

Sir:—I require of you to supply me with 100 sepoys, commanded by one or more European officers, to endeavour to rescue a very considerable number of the inhabitants of this country, who have been seized upon and forcibly sent on board of two French vessels, now laying in Coringa bay. I request that the sepoys may be sent, without loss of time, to Cacanada, where boats and guides shall be provided for them; and I am not without hopes of being able to fit out a vessel for the more speedily effecting so desirable a purpose.

It is necessary to inform you, that the seizing of those people is contrary to the established orders both of the English and French government in India, and that the French chief at Yanam has in vain sent an order to the captains of the vessels to deliver them up.

I am, &c.

Nellapille, 16th December 1792. (signed) *Mathew Yeats.*

N. B.—If you have any gun lascars, be so good as to send them.

(A true copy.) (signed) *Robert Scobie*, Acting Assistant.

Mathew Yeats, Esq. Resident, Ingeram.

Sir:—I have the honour to acknowledge the receipt of yours of yesterday's date, requesting military aid to rescue some inhabitants, who had been seized upon, and forcibly sent on board two French ships, laying in Coringa road. As I was giving the necessary orders for a party, under the command of an European officer, to march immediately for Cocanada, I received a letter from Mr. Scobie, acting assistant, written by your directions, acquainting me that the vessels had sailed, and that there was no occasion for the party to march. The French chief's con-

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duct appears to be very reprehensible indeed; had he executed his authority as chief, he no doubt could have prevented the vessels sailing with the inhabitants on board. I hope you will represent his conduct in its proper light to government.

Samulcottah, 17th December 1792. I have, &c.
(signed) *Alexander Wynch*, Major.

10.—To Pierre Sonnerat, Esq. Chief of the French Factory, at Yanam.

Sir:—In the letter you did me the honour to write to me on the 14th instant, you tell me you have been informed that three English vessels have sailed from Coringa for the Isle of France, with slaves on board.

Permit me, Sir, to request of you to be so obliging as to acquaint me with the names of the captains and the vessels they command. I have, &c.

Ingeram, 18th December 1792. (signed) *Mathew Yeats.*

12.—To Frederick Corsair, Master Attendant at Coringa.

Sir:—If Captain Gambo, of the ship Sultan Favourite, or any of his officers of the other French vessels now in Coringa roads, or Mr. Lewis de Mars, of Yanam, are to be found in Coringa, you are hereby directed to arrest their persons, and keep them in confinemement until further orders. I am, &c.

Ingeram, 15th December 1792. (signed) *Mathew Yeats.*

Minute.—The Board approve of the steps taken by Mr. Yeats to liberate the natives from slavery.

Resolved, To refer the above papers to the Governor of Pondicherry, requesting he will issue such orders, as will effectually prevent this improper traffic amongst those who are under his authority.

Agreed, That the chief and council at Masulipatam be desired to station at Coringa, the guard applied for by the resident at Ingeram, provided they are of opinion the measures will not be attended with inconvenience.

Extract of Fort St. George Public Consultations, the 5th January 1792.

Extract of a Letter to Masulipatam.

The resident at Ingeram being of opinion, that if a guard were stationed at Coringa, it would lessen, if not prevent, the traffic in slaves, which he represents to have been carried on by the French at Yanam; we desire you will order thither a company of sibbundies under a subaltern officer, provided you are of opinion that the measure will not be attended with inconvenience.

Sent the following letters.

To the Honourable Major General De Fresne, Commandant of the French Settlements in India, Governor of Pondicherry, &c. &c. &c.

Sir:—I feel much concern in forwarding to you the enclosed papers, received from the English resident at Ingeram, accusing some individuals of the French factory at Yanam, of purchasing the natives as slaves. These papers speak so forcibly, that I am convinced no other argument is necessary to induce you to send such orders on the occasion, as will effectually prevent this improper traffic amongst those who are under you authority. I have, &c.

Fort St. George, 5th January 1793. (signed) *Charles Oakeley.*

To Mr. Mathew Yeats, Resident at Ingeram.

Sir:—We have received your letter of the 22d ult. and approve the steps you took to liberate the natives from slavery.

We have referred the papers received from you on the subject to the Governor of Pondicherry, and upon receiving his reply, shall be able to determine on the measures necessary to be adopted; in the mean time, you will attend to our instructions, under date the 22d ult., observing to communicate any future occurrences of a similar nature to the chief and council at Masulipatam.

We have directed, that the guard you applied for, should be stationed at Coringa, provided the chief and council are of opinion the measure will not be attended with an inconvenience. We are, &c.

(signed) *Charles Oakeley*, &c. Council.

Fort St. George, 5th January 1793.

Extract of Fort St. George Public Consultations, the 18th January 1793.

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Read the following letter from Pondicherry.

To Sir Charles Oakeley, Bart. Governor of Madras, &c. Fort St. George.

Sir:—I have received the letter which you have done me the honour to write me of the 5th inst. and the papers which were enclosed. I am at a loss for words to express to you how much I am affected at what still passes at Yanam. They have published at that factory a proclamation, to entirely put a stop to the trade in slaves; I have caused one to be published here, by which this shameful traffic is prohibited, directly or indirectly, to every Frenchman in India. I am going, Sir, to furnish Mr. Sonnerat with fresh instructions on this subject; they are very strict. I venture to assure you, they shall be enforced with the utmost rigour; and that the persons made mention of by Mr. Yeats for having been concerned in this disgraceful traffic, shall scrupulously be taken notice of.

I have, &c.

Pondicherry, 14th January 1793. (signed) *Cornelle Lellere Defresne.*

Resolved, to inform the Governor General, that several complaints have been received from the Northern settlements, of the traffic carried on by the French in the purchase of the inhabitants as slaves, and to state the steps which have been in consequence taken.

As the Board however apprehend, that the authority of Mons. Defresne is too weak to remove the cause of complaint, and that it may become necessary to redress the grievance by the exertions of our own government, they wish to receive the sentiments and instructions of the Governor General upon this delicate point, as the measures requisite to be taken may involve national considerations of too much importance for them to decide upon.

Ordered, That copies of the late dispatch from the resident at Ingeram, and of Mons. Defresne's letter, be sent to Bengal, for the information of the Governor General in council.

Extract of Fort St. George Public Consultations, the 19th January 1793.

Sent the following Letters of this date to the Right Honourable Earl Cornwallis, K. G. Governor General in council at Fort William.

My Lord:—We are much concerned to inform your Lordship, that we have received several complaints from the northern settlements, of a traffic carried on by the French in the purchase of the inhabitants as slaves.

We have made repeated and strong representations to the Governor of Pondicherry upon this subject, and he has expressed himself equally earnest with ourselves to restrain the practice; but from a dispatch lately transmitted by our resident at Ingeram, of which we do ourselves the honour to enclose a copy for your Lordship's information, we perceive not only that the trade continues, but that it is countenanced, if not carried on, by persons in authority at the French settlement at Yanam; we transmitted copies of the papers received from the resident to Mr. Defresne, and have received his answer (which is herewith forwarded), professing his extreme displeasure at the conduct of the French subjects, and assuring us that he should take the most effectual measures in his power to remove the cause of complaint; we apprehend, however, that his authority is too weak for this purpose, and that it may become necessary to redress the grievance by the exertions of our own government; upon this delicate point, however, we wish to receive your Lordship's sentiments and instructions, as the measures requisite to be taken may involve national considerations of too much importance for us to decide upon.

We have, &c.

Fort St. George, 19th January 1793. (signed) *Charles Oakeley.*

Extract of Fort St. George Public Consultations, the 25th January 1793.

Extract Letter from Anthony Sadleir, Esq. Chief, and Council at Masulipatam, to the Honourable Sir Charles Oakeley, Bart, dated 13th January 1793.

In consequence of the orders contained in the last paragraph of your letter, and of the discretion apparently left with us, we think it necessary that a prudent and vigilant officer should be selected for the purpose of being stationed at Coringa, more particularly as we know from good authority, that reports of the traffic carried

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on by foreigners in slaves has reached Calcutta; having a confidence in the circumspection and conduct of Lieutenant Thomas Reddell, we have accordingly selected him for the service in question, which may require to be conducted with some degree of delicacy, and we shall require the officer commanding the troops in garrison to order him to proceed to Coringa without delay, where he will be stationed with one company of revenue sepoys, or as many as can at present be spared from the garrison of Samulcotah, from whence he may easily be reinforced afterwards by Major Wynch, as circumstances may render necessary. Colonel Fraser shall likewise be advised of your orders to us, and of our reasons for having selected a particular officer for this duty, as likewise Mr. Yeats, for every purpose of co-operation necessary.

Extract of Fort St. George Public Consultations, the 1st February 1793.

Read the following Letter from Masulipatam, with the papers accompanying it.

To the Hon. Sir Charles Oakeley Bart. Governor in council, Fort St. George.

Honourable Sir and Sirs:—We have already had the honour in acknowledging the receipt of your letter of the 5th instant, of informing you that an officer had been nominated to proeeed to Coringa, and to remain stationed there, for the purpose of preventing the trade in slaves carried on in that neighbourhood, by foreign Europeans, and we herewith enclose copy of a letter of instructions, with which we furnished Lieutenant Reddell for his guidance, marked N° 1.

About the time that your above mentioned letter reached us, we understood that reports were circulating, and that they had even reached Calcutta, of numbers of natives of the country having been made slaves of, by the most unwarrantable means, and transported by sea from Yanam, in vessels bound for the French islands; and having ourselves received no official information upon which we could act, we thought it necessary to apply to the resident of Ingeram for such as he might be able to furnish. Mr. Yeats accordingly transmitted to us copies of two letters which he had addressed to your Honour, &c., of date the 15th and 22d ultimo, together with copies of the enclosures which had accompanied them. By these papers we were concerned to observe, that the traffic in slaves had been carried on to an extent and in a manner that we could not have imagined Europeans of whatever nation would have been guilty of, or even have in the smallest degree countenanced.

We are not in knowledge of the answer, or any instructions you may have transmitted to Mr. Yeats in reply to his above mentioned letters; but with such official information in our possession, and considering the proclamation published during the government of General Medows, and the orders which we have from time to time received, we have thought it our duty to take all the measures in our power for preventing a species of traffic so ruinous in its consequences, and so repugnant to humanity, as appears to have been carrying on at Yanam. We have accordingly circulated a taukeed, of which a copy is herewith enclosed, marked N° 2, and written letters to the resident of Ingeram and Lieutenant Reddell, marked, N° 3 and 4. We are in hopes that the chief of Yanam, Mr. Sonnerat, will, after these have been communicated to him, take measures for effectually preventing a trade which he never has avowed; and in our own opinion the French factory at Yanam may at this time be considered in a state of anarchy, the authority of their chief having little influence on the conduct of his countrymen; for it appears, that the proclamation which he published, for preventing any trade in slaves being carried on had no effect, more than the order which he dispatched at Mr. Yeats's request for the release of those who had been put on board of ship; and under these circumstances, we think the natives of the country have a right to look up for protection to that government, which only has the power of securing them and their families against the barbarous rapacity of individuals, which we are persuaded the French as a nation will by no means countenance or oppose under the present circumstances of their government abroad.

We have, &c.

(signed) *Anth. Sadleir.* *Wm. Dobbyn.* *Andw. Scott.*

Masulipatam, 27th January 1793.

To Lieutenant Thomas Reddell.

N° 1. Sir:—Government having thought proper to order a subaltern officer, with a detachment of revenue sepoys, to be stationed at Coringa, for the purpose of preventing the traffic in slaves, said to be carried on in that neighbourhood by foreigners, and

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and as we think it necessary that this service be conducted with a considerable degree of circumspection, we have in consequence of the opinion which we entertain of your vigilance and prudence selected you for this particular duty.

You will accordingly, on being detached from this garrison, proceed to Coringa, and on your arrival there, take upon yourself the command of a jemadar's guard of revenue sepoys, which Major Wynch has been required to order thither from Samulcotah.

We cannot suppose that the traffic in slaves is carried on with the concurrence of the French and Dutch governments, more particularly as the representative of those nations at Yanam and Juggernaickporam disavow it; but notwithstanding this, we can have no doubt of many natives of this country having been carried into slavery by individuals, and of their having been exported by sea from the above mentioned factories. To prevent this traffic, so disgraceful to those concerned in it, is the present intention of government, by stationing a detachment at Coringa, and which you will of course vigilantly attend to. On the event of your being informed of any individual residing at Yanam or Juggernaickporam being engaged in purchasing slaves, it will be proper for you to acquaint the chief of such factory thereof, as also of your being ordered to prevent their exportation; if this notification should not produce the desired effect, you are to proceed accordingly to employ such means as circumstances may require, for preventing any of the natives of the Company's districts being exported as slaves, which the French and Dutch have both been informed is positively prohibited by our government.

Your operations on such occasions must however be confined to the Company's territories and the river, as it would be improper for a military force to enter upon the territories belonging to either the French or Dutch.

We have not heard, neither can we suppose, that any British subject would disgrace his character so exceedingly as to be concerned, either as a principal or agent, in a trade so shameful; but in case of any instance to the contrary coming within your knowledge, we desire that the person so concerned may be apprehended and kept in confinement until the pleasure of government be known. All natives or others who may be employed within the Company's districts, in buying up the inhabitants with a view of their being afterwards exported as slaves, are in like manner to be apprehended, and the circumstances of the case reported by you.

If upon any occasion it should happen, that the force under your command should be insufficient for the execution of the duties with which you are entrusted, an immediate application may be made for a reinforcement to the officer commanding at Samulcotah, who has been required to comply therewith.

You will communicate all occurrences as they may arise to us, and as the port of Coringa has been placed by government under the resident at Ingeram, he will be informed of your being stationed there, as well as for what purpose; and that there may be that co-operation between you and the resident which the service requires, you will be pleased to shew your instructions to Mr. Yeats, as also to act in communication with him, and to be attentive to such communication and applications as he may make to you.

Mr. Sonnerat, chief of the French factory at Yanam, having some time ago acquainted the resident at Ingeram with his having issued a proclamation, forbidding the exportation of the natives of the country as slaves, we herewith enclose a translation of the communication which we received from Mr. Yeats on that occasion, as it may be a proper authority for you to refer to, in case of your having any intercourse with the subjects of France.

We are, &c.

Masulipatam, 14th January 1793. (signed) *Anthony Sadlier*, Council.

N° 2.

TAUKEED to all zemindars, tanadars, muzamadars, despondias, choudries and other inhabitants belonging to the districts dependent upon the chiefship of Masulipatam.—Dated 20th January 1793.

Whereas it has come to the knowledge of the chief and council, that in defiance of the proclamation issued by the Honourable the Governor in Council of Fort St. George, and the measures since taken in consequence thereof, many natives of of this country, of both sexes, have been made slaves of by purchase, kidnapping, seduction and otherwise, and afterwards shipped on board of foreign vessels for the purpose of being transported beyond sea, the Board find themselves deeply interested by every principle of justice and humanity, to put an effectual stop to this scandalous and disgraceful traffic.

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Notice is accordingly hereby given to all persons residing under the authority of the chief and council, that they are to use their utmost endeavours to prevent the purchasing, kidnapping and decoying away any of the native inhabitants of this country as slaves, for the purpose of their being sent out of the country either by sea or land; that all persons who may be found in the interior parts of the country, or in the neighbourhood of the sea ports, engaged in the business of procuring slaves, by any means whatsoever, whether such persons may be Europeans or natives, and whether they may be employed as principals or agents, such persons are in every case to be secured and delivered up to the officer stationed at Coringa, or to the nearest military station, in order that they may be punished in such manner as government may, from the circumstances of the case, determine upon.

It affords the greatest satisfaction to the chief and council to reflect, that hitherto no information has been received of any British subject, of any description, having been so regardless of their characters as to be concerned directly or indirectly in procuring or transporting the native inhabitants of the country as slaves, and they trust no instance of such depravity will occur among them; but it becomes necessary nevertheless to publish, that on the event of any instance appearing of any British subject degrading himself so far as to be concerned in this shameful species of commerce, he will not only be treated in the same manner with others, but his conduct be publicly represented to government.

Finally, the Chief and Council hereby signify their determination to reclaim, rescue and release, by such means as may be in their power, whatever natives of this country they may be informed are detained on shore or on board of ships as slaves, and to secure the persons of those by whom such natives may be detained; and they in like manner authorize and require all persons depending on their authority, to act conformably to this notice with respect to men of whatever nation or country the offenders may be.

(A true copy.) (signed) *R. Malcolm,* Assistant Secretary.

To Mr. Mathew Yeats, Resident at Ingeram.

N° 3.

Sir:—A report prevailing of a disturbance having been occasioned at Coringa and Yanam, owing to a number of native inhabitants having been carried away and put on board French ships in defiance of the orders of our government, and contrary to assurances given by Mr. Sonnerat, chief of the factory at Yanam, the chief and council have directed me to request of you to communicate to them such information as you possess on the subject.

It is mentioned, that on the night of the 15th ultimo, many natives of the superior castes lost their children, who were by violence carried away from them at Yanam, houses having been forced open; that, soon afterwards, two French ships got under way from Coringa Roads, bound to the Mauritius, and having on board, it was said, not less than eight hundred of the native inhabitants. Further, that Monsieur De Mars, owner of one of the ships, being himself a passenger on board, was conceived by the populace to be a party concerned in this traffic, and his house demolished by them after his departure.

These accounts may probably have been exaggerated, which in the present instance the chief and council hope may have been the case; but, as it appears by a letter just received here, that the report is current in a distant settlement, they deem it incumbent on them to endeavour to obtain the best information on the subject which it may be in their power to procure.

Masulipatam, 11th Jan. 1793. I am, &c.

(signed) *Robert Malcolm,* Assistant Secretary.

To Mr. Mathew Yeats, Resident at Ingeram.

Sir:—I am directed by the chief and council to acknowledge the receipt of your letter of the 5th instant, with its enclosures, which communication has impressed them with deep concern, and exhibits a conduct which they could not have conceived or expected, after the positive assurances received from the chief of Yanam in his public capacity, after the agreement entered into by the European inhabitants of Yanam not to trade in slaves, and after the proclamation issued by Mr. Sonnerat, prohibiting this traffic; the information communicated by you has induced the chief and council to write a letter to the officer stationed at Coringa, inclosing a taukeed, which they have thought it necessary to circulate; this letter is herein inclosed, and left open for your perusal previous to its being delivered. The

Board

Board think it proper that their determination should be communicated through you to Mr. Sonnerat, which they request you will do accordingly, in hopes it may induce him effectually to prevent the barbarous trade that has but too evidently been carried on with his knowledge, or that he may be warned at least of the consequences which may result from a contrary conduct. The chief and council, in their original instructions to Lieutenant Reddell, thought it proper to restrict him from employing a military force within the limits of the Dutch and French factories; but the circumstances which you have communicated will now, they think, warrant a less delicate conduct, in case of any thing similar being repeated; you will observe, that they have accordingly authorized Lieutenant Reddell to support such measures as you may deem it necessary to adopt for rescuing such unfortunate natives as you may hereafter be in knowledge of being confined as slaves at Yanam, in case of your finding it necessary to require his assistance.

Masulipatam, 21st Jan. 1793. I am, &c.
(signed) *R. Malcolm*, Assistant Secretary.

To Lieutenant Thomas Reddell, commanding a Detachment at Coringa.

N° 4.

Sir:—I am directed by the chief and council to inform you, that since writing you on the 14th instant, they have received a letter from the resident at Ingeram, inclosing several papers, by which they observe, with much concern, that the traffic in slaves has been carried on of late in a manner and to an extent which they could have formed no conception of.

With a view of putting an effectual stop to this barbarous and shameful species of commerce, the Board have thought it necessary to circulate a taukeed, of which a copy is herewith inclosed, for the purpose of being published by you by beat of tom-tom, and pasted up in some public place for the information of the native inhabitants and others.

It will rest with Mr. Yeats, through whom the chief and council have usually corresponded with the chief of the French factory at Yanam, to communicate their determinations to Mr. Sonnerat; and as the Board consider it to be their indispensable duty to protect the native inhabitants of these districts in their persons and in their property, against all attempts to injure them, Mr. Yeats will be acquainted, that, in case of his receiving information upon which he can depend, and which he may think will warrant the entering the village of Yanam for the purpose of rescuing and releasing any of the native inhabitants who may be detained there as slaves, the Board will authorize him to give you the necessary support, which you are to do accordingly, notwithstanding any thing to the contrary contained in the letter written you, under date the 14th instant.

Masulipatam, 21st Jan. 1793. I am, &c.
(signed) *Robert Malcolm*, Assistant Secretary.

MINUTE.—The Board trust, that the measures taken to prevent any further attempts to carry away the natives, will be attended with the desired effect.

The Board observe, that the resident at Ingeram was acquainted that his late communication on this subject should have been made to the chief and council at Masulipatam, and directed in future to address them upon all occurrences of a similar nature.

Extract Fort St. George Public Consultations, 2d February 1793.

Sent the following letter.

To Anthony Sadleir, Esq. Chief and Council at Masulipatam.

Gentlemen:—We have received your letter of the 27th instant, with its inclosures, and trust that the measures taken to prevent any further attempts to carry away the natives will be attended with the desired effect. We have acquainted the resident at Ingeram, that his late communication on this subject should have been made to you, and in future to address you upon all occurrences of a similar nature.

Fort St. George, 2d Feb. 1793. We are, &c.
(signed) *Charles Oakeley* & Council.

Fort St. George Papers: State of Slavery in Company's Territories.

Extract of Fort St. George Public Consultations, 8th February 1793.

Read the following Letter from the French Chief at Yanam:

To the Gentlemen in Council at Madras.

Gentlemen:—After the letter which I received yesterday from the governor of Pondicherry, respecting complaints made to you by your resident at Ingeram concerning the natives, that some individuals have been transported from their country, no doubt as slaves, it behoves me to justify myself to you; I have the esteem of my chief and fellow citizens, and I have merited it; I have ambition likewise to obtain yours, and shall be concerned that there should be the smallest foundation for being unworthy of it.

I perceive, gentlemen, that what has been written has been extremely exaggerated. A child supposed to have been taken away, is a story fabricated to establish a pretext to write. The journey of your resident to our settlement, at the moment complaints were brought to me, was designed; but nothing can excuse the indecent proceeding he was guilty of, in coming at three o'clock in the morning into our settlement, with a crowd of people, to force me to visit with him some particular houses; a proceeding disgraceful to his character, and which I would not have suffered in any other instance, and to which I have appeared ignorant, to convince the English government that I was far from countenancing the traffic. I know, gentlemen, that he has written a very strong and very ungenteel letter about me, without entering into the reasons which engaged him to do it; it is true, however, that it is not becoming a man of integrity to calumniate his equal, and much less the chief of a foreign nation.

My conduct, gentlemen, will convince you, that I have done every thing in my power to prevent this disgraceful traffic, and that I have myself declared the same in my works, published twelve years ago.

Shocked to see some French profit from the misery which prevailed in the north, by carrying away the unfortunate from their country and their families, (our laws at that time not prohibiting the trade,) I prevailed on the citizens of Yanam, at a general meeting, to authorize me to prevent it. I sent at the time to the council at Masulipatam, and to the chief at Ingeram, a copy of the declaration and resolution of the citizens of Yanam, and of the proclamation I made. Since that proclamation, which was published the 14th July, ten persons, who were convicted of having sold natives of the country, were publicly chabucked; which I can prove, by the same having been recorded in the police register of this settlement. Every time that I have been informed that a Frenchman has had any slaves at Yanam, I have had them seized, and sent to the English resident. I sent him eighteen the 2d November, sixteen the 8th following, twenty-one the 13th December, and three the 14th. I set at liberty likewise (the English resident being absent) one hundred and ten, which I caused to be sent to Nellapilla, to the English territory; I took twelve from an English captain, but, from a letter which was written me during the absence of the English resident, I was forced to release them. I could, gentlemen, expose to your view a circumstance which would astonish you; but my project is only to remove any unfavourable impression against me, and not to give pain to any one.

In every instance, it is true, that if there is any who can be responsible, it is the resident at Ingeram, who alone has every means. You are not ignorant, gentlemen, that Yanam is surrounded by your possessions; nothing can leave it without the knowledge of the English chief, and it would be impossible, even if he wished it, to send from Coringa one black as a slave.

I annex herewith copy of two letters, which I have written to Mr. Yeats, which contain my sentiments, and come in support of what I have advanced. If, after what I have now told you, I am happy enough to convince you of the zeal I have manifested to prevent the French from degrading themselves by so shameful a traffic, at which humanity shudders, I am satisfied.

The accusation that your resident here has made against Vencana, one of my dubashes, as being concerned in the trade of slaves, is unjust; his enemies have, in order to injure him, accused him to the English resident. I can assure you, gentlemen, that he never entertained an idea of buying or selling a single one.

At the request of Mr. Yeats, I have sent to Mr. Cemitere an order for all French

captains

captains at anchor in the road of Coringa to give up to Mr. Scobie, who accompanied Mr. Cemitere, all the natives of the country they had on board. I have claimed the return of this order, as you will perceive by copy of my letter to Mr. Scobie, herewith annexed. I am willing to believe what Mr. Scobie wrote in reply, that Mr. Yeats, not knowing it was necessary for me to have, sent it to you; I will be obliged to you to return it to me.

I have, &c. (signed) *Sonnerat.*

To Mr. Yeats, Chief at Yanam.

Sir;—I have been extremely hurt at the complaints some Indians made to you yesterday, respecting an infant which had been taken from its family, to be sent to slavery. The same complaint had already been sent to me about nine or ten o'clock at night; and as I am far from tolerating such infamy, I had all those suspected of being concerned in the trade of blacks taken up, and put into prison, for the purpose of interrogating them to-day, to punish those who were found in fault. Those who applied to you, Sir, have very improperly made a general charge against all the citizens of Yanam: it does not follow, that because one individual being more to blame than his fellow citizens, that the others are capable of degrading themselves so low as to be accused of kidnapping children; and I will be answerable for their integrity. I shall therefore conceal the paragraph which mentions it, in the letter which you did me the honour to write me yesterday, or else they must demand redress against those who have dared to make such an attack on their honour.

The report made to you, that several slaves were confined in the house of one Pedro was without foundation. As soon as I was told that it was conjectured that he had some in that house, I went there, and made the most strict search with the informers themselves, and could find none. That house is inhabited by Mr. Hopoleter, and I cannot believe that he ever had an intention to transport blacks as slaves: his vessel is at this moment loading with bales for Pondicherry, where he would meet with a very indifferent reception if he had blacks on board.

The colonial assembly of the French settlements in India has published a proclamation, which prohibits the French from purchasing a single person; and after that proclamation, and the positive orders I have received from the governor of Pondicherry, to take the most effectual measures to prevent this commerce every time that I have it in my power, and I have done so; and in your absence I had transported one hundred and ten to Nellapilla, where I gave them liberty; the 2d of last month I had the honour to send you eighteen; the 8th of the same month I took away twelve from an English captain, but, after the receipt of a letter from Mr. Scobie, written in your absence, I was obliged to restore them; I sent you seven yesterday, which I had intended to have sent you this morning: a moment after they conducted to you fourteen, which I had taken from a godown.

It has not been in my power, Sir, to prevent Mr. De Mars from sending on his vessel Indians to be transported, without doubt, as slaves, to the Isle of France. Mr. De Mars knows the proclamation of the colonial assemblies for the French establishments in India, and he will be very careful not to take one from Yanam. If he has any, he has procured them at Jagganaporam, Bimlipatam, and other districts dependent on the English government, without being molested.

But perhaps this complaint does not merely allnde to Mr. De Mars; I am told that three English vessels are about to sail for the Isle of France, with a number of slaves; if it is so, we shall know it for a certainty soon. It is surprizing that the English are the first to infringe a law that their government promulgated.

In fine, Sir, the limits of Yanam, and my means, are too restrained to do more than I have done; while the English government do not employ force at Coringa to prevent the exportation, they will always find some individuals without delicacy, greedy, and led away with the hope of gain, continue this vile commerce;-convinced that I have no power over them in the road of Coringa, and while the English have not force to prevent them, they can act with impunity.

I am going to send an order on board two French vessels in the road of Coringa, to restore all the children which are claimed.

I have, &c.

(signed) *Sonnerat.*

P. S.—I send you three children, which I caused to be seized.

Fort St. George Papers: State of Slavery in Company's Territories.

Mr. Yeats, Chief at Ingeram.

Sir:—I have just received the letter you sent me by Mr. Scobie; to accord with the views of the English government, I have given to Mr. Cimiterre an order to all French captains at anchor in Coringa road, to give up to Mr. Scobie (who will accompany Mr. Cimiterre) every native of this country they may have on board.

I have, &c.

(signed) *Sonnerat.*

Mr. Scobie.

Sir:—Conformable to the order of the service, Mr. Yeats absolutely cannot send to the council at Madras the original of the order that I have sent to Mr. Cemiterre, and which he has entrusted to you; not that you should leave it with Mr. Yeats, but that he should merely sign it; he cannot, therefore, keep it without subjecting you to censure. Mr Yeats may as well send a copy signed by me; and if he does not restore it, it will compel me to claim it from the council of Madras, because it cannot go out of my hands; and I shall therefore be obliged to you to ask for it, and send it me by the bearer. I have, &c.

Yanam, 28th January 1793. (signed) *Sonnerat.*

Mr. Yeats, Chief at Ingeram.

Sir:—I have received the letter you did me the honour to write to me the 24th instant, with the proclamation from the chief and council, relative to the commerce in slaves. I am delighted that that council have at last interfered. It is to be hoped, that the spirit of that proclamation, of the one I published at Yanam, and the measure you will adopt, neither English or French can any longer carry on this shameful traffic. I have, &c.

(signed) *Sonnerat.*

LIST of Boys and Girls brought to *Madras*, to be sold as Slaves,

N°	NAMES.	VILLAGES.	Age.	Height. Feet.	Height. Inches.	CASTE.	PARENTS NAMES.
	MALE.						
	Ramasam	Gunpurte	16	4	4	Gentoo	Sidog Lechme
	Balagoroovah	Poondy	15	4	4	- - -	Ramoodoo Pudnachelm
	Naregandoo	Ragoonadaporum	6	3	–	Reddy	Jatah Ackee
	Casee	Barumpoor	10	4	6	Abbot	Basviah Govourinmma
5	Juniah	Sutanum	7	3	6	Wood people	Woopunnah Acummah
	Sunnasee	Ambalum	13	4	4	Inhabitant	Ramoodoo Accovloo
	Joage	Pantaloo	11	4	4	Weaver	Multoo Panree
	Appiah	Coanadoo	10	4	–	Fisherman	Junniah Panpan
	Rammasamy	Sevasulum	13	4	4	Weaver	Appiah Appalumnah
10	Achinnah	Anunda Gimdanum	12	4	4	Goldsmith	Luchmoddoo Pawpumma
	Rajumah	Kindannum	6	3	–	- - -	- - - - - - -
	Mulliah	Kanoocanpulloo	12	4	4	Weaver	Mullah Gowroo
	Baliado	Amliapooram	12	4	4	Oilman	Appiah Buchmmah
	Pealoogandoo	Narasam Pitah	11	4	–	Weaver	Appiah Luchmu
15	Vencataramdoo	Tummacoodoo	9	3	4	Paria	Paupoodoah Luchmu
	Vencataroodoo	Dasoorassepulla	10	4	–	- - -	Pooliah Moosulee
	Ramoodoo	Coanadoo	9	3	6	Labourer	Rawmoodoo Luchmmah
	Pawpiah	- - -	9	3	6	Commavar	- - - - - - -
	Tychnah	- - -	7	3	6	Gentoo	Casavoodoo Ancummah
20	Sarapunnah	Gyputinagarum	12	4	3	Abbot	Mulliah Nagoo
	Sidapah	Joomapalum	12	4	3	Labourer	Goapawlos Venias
	Veerunnah	Corala Billia	13	6	–	Goldsmith	Pawpiah Pawrummah
	Chillapah	Ramah Varam	13	4	6	Cowkeeper	Yenkiah Appooloo
	Appunnah	Visia Nagarum	12	4	3	Oilman	Ramoodoo Chinna Papaw
25	Pootah	Dama la Chinna	8	3	4	Gentoo	Ramoodoo Chetummah
	Panapah	Navaspetah	11	4	3	Fisherman	Naradoo Narummah
	Nagiah	Vultoor	11	4	3	Reddy	Yeneah Uncummah
	Rawmoodoo	Jagunnadum	10	4	–	Woodear	Madina Saheb
	Luchmoodoo	Vizia Nagarum	6	3	4	Fisherman	Guroovandoo Asalumnah

Fort St. George Papers: State of Slavery in Company's Territories.

Agreed, That the chief and council of Masulipatam be directed to endeavour to ascertain the truth of the assertion of Monsieur Sonnerat, that an English captain had some concern in the slave trade lately carried on from the northern ports.

Extract of Fort St. George Public Consultations, 9th February 1793.

Extract of a Letter to the Chief and Council at Masulipatam.

We transmit to you copy of a letter from the Chief of Yanam, with the papers therein mentioned, and desire you will endeavour to ascertain the truth of his assertion, that an English captain had some concern in the slave trade lately carried on from the northern ports.

Extract Fort St. George Public Consultations, 22d February 1793.

Read the following letter from the Town Major, with the papers accompanying it:—

To the Honourable Sir Charles Oakeley, Bart. President in Council, &c. &c. &c.
Fort St. George.

Honourable Sir:—In consequence of information that was given of the arrival of children in the Black Town, and in vessels in the roads, to be sold as slaves, I sent two parties to secure such as could be found; one to the Black Town, which brought in forty boys and girls; and the other to vessels in the roads, in which were found twenty-two of both sexes. Lists of each description, I have now the honour to lay before you, together with the affidavit of Quarter Master Serjeant Clemons, who went to the vessels in the roads.

I have, &c.

Fort St. George, 21st February 1793. (signed) *A. Beatson*, Town Major.

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and found in the Black Town the 13th February 1793.

OCCUPATION.	By whom Purchased.	Where Embarked.	Vessel, and Captain's Name.	REMARKS.
- - - -	- - - -	Poondy - -	Pauroo - -	Wishes to go home.
- - - -	Puramamoody -	D° - - -	D° - - -	Wishes to stay here.
Peon - - -	Putagooaroo Tyah	D° - - -	D° - - -	- - D°.
Merchant - -	Jamal Sail - -	D° - - -	Abdul Cawdur -	- - D°.
Bird-catcher -	- - - -	Cealingapatam -	- - - -	Wishes to go home.
Labourer - -	Murlaw Murgaw -	Poondy - -	- - - -	- - D°.
- - - -	- - - -	D° - - -	- - - -	- - D°.
- - - -	- - - -	Bumanapatam -	- - - -	- - D°.
- - - -	- - - -	- - - -	- - - -	- - D°.
Goldsmith - -	Chinnatumbe Turdul	D° - - -	- - - -	- - D°.
- - - -	- - - -	- - - -	- - - -	- - D°.
- - - -	Chuckrah - -	Vumrapatam -	- - - -	- - D°.
- - - -	D° - - -	D° - - -	- - - -	- - D°.
Weaver - -	Nuther Saib -	Coanadoo - -	- - - -	- - D°.
Toty - - -	Tundull - -	Coalapatam - -	Mahomed Deen -	- - D°.
Weaver - -	Murah Sail - -	Came by land -	- - - -	- - D°.
- - - -	Came Chitty -	Candoo - -	- - - -	- - D°.
- - - -	- - - -	- - - -	- - - -	Wishes to stay here.
Labourer - -	Agamadeen -	Came by land -	- - - -	- - D°.
Tyler - -	- - - -	- - - -	- - - -	Wishes to go home.
Peon - - -	- - - -	D° - - -	- - - -	- - D°.
- - - -	Ismiah - -	Poondy - -	- - - -	- - D°.
Peon - - -	Muncandoo - -	Coandoo - -	- - - -	- - D°.
Oilman - -	Amootumby -	D° - - -	- - - -	- - D°.
Labourer - -	- - -	D° - - -	- - - -	- - D°.
Fisherman - -	Seddamusahpuat -	D° - - -	- - - -	- - D°.
- - - -	- - -	Pandusty -	- - - -	- - D°.
Merchant - -	- - - -	By land road -	- - - -	- - D°.
Fisherman - -	Rumjanee - -	Beimlapotam -	- - - -	Wishes to stay here.

LIST of Boys and Girls brought to *Madras*, to be sold as Slaves,

N°	NAMES.	VILLAGES.	Age.	Height. Feet.	Height. Inches.	CASTE.	PARENTS NAMES.
	MALE—*continued.*						
30	Tamaul - -	Nagoore - -	10	4	4	Moor - -	- - - - - -
	Cachapella -	D° - -	10	4	–	- - -	Conchabunnee Patum Neckar -
	Vencatramdoo -	Dormala Guntah	5	3	3	- - -	- - - - - -
	Appiah - -	Yonna Vasuntah	11	4	2	Inhabitant -	- - - - - -
	Veerasah -	Masaram - -	8	3	4	Labourer - -	Nagasah Mungah - - -
35	Sararcoramdoo -	Vizigapatam -	11	4	6	Cowkeeper -	Gooroo Annah Pyee Ammah -
	Chacultee -	Nagoor - -	10	4	–	Moor - -	Abdul Cawder Beebee - -
36							
	FEMALE.						
	Gooreevee -	Vernapatam -	10	4	–	Fisherman -	Ramdoo Luchee - - -
	Patmah - -	Cundels - -	11	4	3	Moor - -	Chuckravooth Pawpau - -
	Cawmoo - -	Coringee - -	12	5	–	Fisherman -	Appiah Luchmee - - -
	Paree - -	Jungtoor - -	8	4	–	Paria - -	Jotiah Buckee
40	TOTAL.						

Fort St. George,
13th February 1793.

LIST of Boys and Girls brought to *Madras*, to be sold as Slaves,

N°	NAMES.	VILLAGES.	Age.	Height. Feet.	Height. Inches.	CASTE.	PARENTS NAMES.
	MALE.						
	Ebraim Saib -	Vesanagor -	13	4	6	Moor -	Maeln Saib - - - - Kalnater Nambo - - -
-	Sedder Abake -	Chicacole -	12	4	3	D° - -	Hussain Abuk - - -
	Bodenah - -	Chambernore -	12	4	–	Weaver - -	Lingiah Jaajamma - - -
	Sunnsee - -	Jubbuntarah -	15	5	–	Gentoo - -	Lutchnopoto Chinam - -
5	David Cawn -	Marady Cotar -	10	4	3	Labourer - -	Toogue Taupaw - - -
	Madas - -	Ventapalam -	8	3	4	Moor - -	Ebraim Boornama - - -
	Naidor - -	Bagoosalah -	16	5	–	Weaver - -	Candoo - - - - -
	Balaramoodoo -	Chasmam -	9	3	6	Barber - -	Ramoodoo Lurch - - -
	Necladree -	Mundescotah -	10	4	3	Woodear - -	Boochandoo Gungo - - -
10	Tammoo - -	D° - -	14	5	–	Tody man -	Luchme - - - - -
	Coollador -	Eroovadat -	10	4	–	D° - -	Luchee Gandee Tallee - -
	Pollundoo -	Coalore - -	7	3	3	Gentoo - -	Verapah Chinnaos - - -
	Chirmah - -	Bendriotah -	6	2	2	Weaver - -	Mautee - - - - -
	Ramsam - -	Ambalem -	7	3	6	Fisherman -	Narsunna Nuttcoma - - -
15	Narrapah -	Deckla - -	5	3	–	Pullee - -	Keetunnum Paule - - -
	Chinniah - -	Vesanagarum -	10	4	–	Cowkeeper -	Kamidh Chitah - - -
	Chawllee - -	Nagore - -	13	4	6	Moor - -	Hevoodabee Putoom - - -
17							
	FEMALE.						
	Paupee -	Munchew Neler Cotah - -	10	4	4	Fisherman -	Kistnum Ackee - - -
	Mawcremah -	Pawvoodum -	8	3	–	Cowkeeper -	Ramdoo Achee - - -
20	Catee - -	Mundawash Coalat	8	3	4	Woodear - -	Jampunnah - - - -
	Mullad - -	Cuddapalem -	6	3	3	Oilman - -	Buchannah Pap - - -
	Bungee - -	Checaticotah -	9	4	6	Bramne - -	Luchmidas Goorachop - -
22	TOTAL.						

Fort St. George,
13th February 1793.

and found in the Black Town, the 13th February 1793--*continued.*

OCCUPATION.	By whom Purchased.	Where Embarked.	Vessel, and Captain's Name.	REMARKS.
- - - -	Madras Cawdur -	- - - -	- - - -	Wishes to stay with the owner.
Merchant - -	- - - -	- - - -	- - - -	Wishes to go home.
- - - -	- - - -	- - - -	- - - -	- - D°.
- - - -	Cooty Naickoo -	Masulipatam -	- - - -	Wishes to stay here.
- - - -	Cawkaw - -	D° - - -	- - - -	- - D°.
- - - -	Sepoy - - -	- - - -	- - - -	- - D°.
Fisherman - -	Chuckrah - -	Veemalapatam -	- - - -	Wishes to go home.
Cotton merchant -	Chuckrah - -	Veemalapatam -	- - - -	Wishes to go home.
Fisherman - -	Salsar - - -	Coringa - -	- - -	- - D°.
Toty - - -	- - - -	Came by land -	- - - -	- - D°.

James Clemons,
Q^r Mr Serjeant.

found on board of Boats in *Madras* Roads, 13th February 1793.

OCCUPATION.	By whom Purchased.	Where Embarked.	Vessel, and Captain's Name.	REMARKS.
Sepoy - - -	Janipar - -	Poondy - -	Paioror - -	Wishes to go home.
D° - - -	D° - - -	D° - - -	D° - - -	- - D°.
Weaver - -	Puckermoomadoo -	D° - - -	D° - - -	- - D°.
Sepoy - - -	Allemangan -	D° - - -	D° - - -	Wishes to stay here.
Labourer - -	D° - - -	D° - - -	Pauroo - -	Wishes to go home.
D° - - -	Puckrusaib - -	D° - - -	D° - - -	- - D°.
Weaver - -	Chacury - -	D° - - -	D° - - -	- - D°.
Labourer - -	Rautum - -	D° - - -	D° - - -	- - D°.
Peon - - -	D° - - -	D° - - -	D° - - -	- - D°.
Toddyman - -	Chacauru - -	D° - - -	D° - - -	- - D°.
D° - -	Worramuttoo Moocacandoo - -	Bimaanapatam -	D° - - -	- - D°.
Labourer - -	- - - -	Masulipatam -	D° - - -	- - D°.
D° - - -	- D° - -	Calingapatam -	D° - - -	- - D°.
Fisherman - -	- D° - -	D° - - -	D° - - -	- - D°.
Peon - - -	- D° - -	D° - - -	D° - - -	- - D°.
D° - - -	Tendul - -	Coandoo - -	D° - - -	- - D°.
Sepoy - - -	- - - -	- - - -	- - - -	Wishes to stay here.
Fisherman - -	Ravostum - -	Poondy - -	Pauroo - -	Wishes to go home.
Cowkeeper - -	D° - - -	D° - - -	D° - - -	Wishes to stay here.
Peon - - -	D° - - -	D° - - -	D° - - -	Wishes to go home.
Oilman - -	D° - - -	D° - - -	D° - - -	- - D°.
D° - - -	D° - - -	D° - -	D° - - -	- - D°.

James Clemons,
Q^r Master Serjeant.

DESCRIPTION of the BOATS seized by order of Government for having imported for Sale the Natives of this Coast.

Date.	Description.	Vessels Names.	Commanders Names.	From whence.	To whom consigned.	Cargoes.
1793:						
Jan. 25th - -	Boat -	- -	Saib Hoosseein	Poondy - -	Sakoo Paredoo	Grain, Ghee, & Mustard Seed.
- 29th - -	D° -	- -	Cashmeea -	Calingapatam	D° - -	Rice, Paddy & Tamarind.
Feb. 1st - -	D° -	- -	Anth^{y} Mooko	Masulipatam -	Chinny Setty -	Piece Goods & Japan Copper.

Also a boat, the Syrang Moota Augmed, from Coringa, and consigned to Augamea; this boat is not entered on the books of the office, having no cargo, for which the Commander delivered in a manifest, and was probably laden with slaves only.

The above description of the three boats taken from the books of the sea-side office.

(signed) *Hugh Jones*, D^{y} Master Attendant.

Fort St. George, 16th Feb. 1793.

James Clemons, Quarter Master Serjeant of the garrison of Fort St. George, maketh oath, That on the 13th day of February, one thousand seven hundred and ninety-three, he received orders from the Town Major, Captain Alexander Beatson, to proceed with four European soldiers on board some boats or vessels in the roads, to search for children, who (according to information that had been given) were brought to Madras to be sold as slaves; that accordingly he the deponent proceeded with Aranatchelun, a native who gave the information, and found on board three boats or vessels within mentioned (whose sails were delivered in charge of Mr. Hugh Jones, Deputy Master Attendant) in all seventeen boys and five girls.

(signed) *James Clemons*, Quarter Master Serjeant.

Sworn at Fort St. George, this 20th day of February 1793,
before me, (signed) *E. W. Fallofield*, Justice.

Read also the petition of Southern Cholia merchants.

To the Honourable Sir Charles Oakeley, Bart. President and Governor of Fort St. George.

The humble representation of Southern Cholia merchants, now at Madras.

When we made a voyage to the northward lately in purpose of trade, several people of that part of the country have perished by the extremity of the famine, some of those who were victims offered their children, entreating us to be so merciful as to maintain them, so as to save them from the threatening destruction, some of us have been under the necessity of accepting them from motives of regard to the relief of their poverty, and with an intention of preserving them.

We beg leave to assure your Honour, that those children have been brought here with that certain idea, and not for sale; on our arrival in this road, a serjeant, with some sepoys, came by your Honour's order, not only took those children, but also the tindals as prisoners, together with the steersman and sails of our boats, and our boats have been put under peons custody. We declare solemnly, that those children have not been brought here for sale, but only with a view of maintaining them against the dearth; we are ready to give them up.

We humbly submit this matter to your Honour's candid judgment, most earnestly entreating your Honour will be pleased to order the release of their boats and tindals, and restore the steersman and sails, so as we may proceed on our voyage without losing the favourable wind in this season.

For which indulgence, we, as in duty bound, shall ever pray.

The President acquaints the Board, that on receiving intelligence of the above transactions, he directed that the vessels on board which the natives were found, should be seized, and now proposes that they be confiscated, sold by public outcry, and their produce applied to the maintenance of the children rescued from slavery, until they can be returned to their parents.

Approved, and ordered accordingly.

To

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To deter others from engaging in this improper pursuit, it is resolved, That the boat owners be publicly flogged, and the Justice is requested to cause this order to be enforced.

Extract of Fort St. George Public Consultations, 25th February 1793.

Read the following Letter from Bengal, with the Papers accompanying it:

To the Honourable Sir Charles Oakeley, Bart. Governor in Council at Fort St. George.

Honourable Sir:—We have to acknowledge the receipt of your letter, dated the 19th ultimo, relative to a most unwarrantable traffic carried on by the French in the northern settlements, in the purchase of the inhabitants as slaves.

Towards the end of December, accounts arrived here of a disturbance at Coringa and Yanam, in pursuing this trade, and we desired our secretary to write a private letter to Mr. Sadleir, the chief at Masulipatam, in order to ascertain how far the facts stated in the report were correct, Mr. Sadleir having in consequence applied to the resident at Ingeram for official information concerning them, was furnished with, and transmitted to Mr. Hay, a copy of the papers that you have sent to us, and letters, of which the inclosed are copies, were immediately written on the subject to Lieutenant General Mulartie, at the Isle of France, and Major General De Fresne, at Pondicherry.

According to the intention expressed in the letter to Mr. De Fresne, we think it proper to request, that you will send directions to the chiefs and residents in the northern circars, to seize all persons who shall be detected in carrying on this infamous traffic, and that if any of the French nation should be apprehended in consequence of those instructions, you will give orders for their being sent to the commandant at Pondicherry, to receive such punishment as he may think that they deserve.

We have, &c.

(signed) *Cornwallis.* *William Cowper.* *Thos. Graham.*

Honourable Sir:—I have the honour to transmit to your Excellency, a copy of a letter which I have written to Monsieur De Fresne, and copies of some papers which I have received from the English chief at Masulipatam.

Your Excellency will, I am sure, be as anxious as myself to bring the offenders to punishment, and to put a stop to so scandalous a traffic; and I trust, that you will likewise have the goodness to restore as many of the unfortunate wretches as you can rescue from slavery to their families and friends, from whom they have been so inhumanly separated.

I have, &c.

Fort St. George, 2d February 1793. (signed) *Cornwallis.*

To his Excellency Lieutenant General Marlartie, Governor General of the Isles of France and Bourbon, and Commandant of the French Establishments to the Eastward of the Cape of Good Hope.

Honourable Sir:—In the month of December last, I received information, that several persons of your nation at Yanam, were engaged in the scandalous traffic of transporting the inhabitants of the neighbouring country to the French islands, to be sold as slaves.

I sent orders immediately to the English chief at Masulipatam, to make the striciest inquiries into the truth of the report, and I am much concerned to find, from the enclosed papers, that it was too well founded.

It is, I am convinced, unnecessary for me to expatiate on the inhumanity of the transactions therein described, or to urge you to call the offenders to a severe account, and I shall therefore only request, that you will order all vessels that now are, or that may hereafter arrive at Pondicherry from the northern circâr, to be searched, and if any of the wretches intended for slavery should be found on board, will have the goodness to send them back to the place from whence they came, or to have them conveyed to Madras.

I have written on the above subject to his Excellency Mons. de Marlartie, and instructions will be given to the servants of our Company in the northern circars, to seize all persons who shall be detected in carrying on that infamous traffic; and

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should any of your nation be apprehended in consequence of those instructions, they shall be sent to you to receive such punishment as you may think they deserve.

I have, &c.

Fort William, 2d Feb. 1793. (signed) *Cornwallis.*

To the Honourable Major General De Fresne, Commandant at Pondicherry.

Ordered, that letters be written to the subordinancies.

Extract of Fort St. George Public Consultations, 28th Feb. 1793.

Read the following letter.

To the Honourable Sir Charles Oakeley, Bart. Governor in Council, Fort St. George.

Honourable Sir and Sirs:—We have the honour of acknowledging the receipt of your letters of the 2d and 9th instant, with the several papers enclosed in the last. We likewise lately received a letter from Mr. Sonnerat, chief of the French factory at Yanam, enclosing a copy of his address to your Honor, &c.; as also copies of the several papers which he had therewith transmitted to you, which we find to be the same with those which you have now sent to us. We think it necessary, however, to enclose a copy of the letter written to us by Mr. Sonnerat, as well as of our answer; and you will thereby observe, that we applied to him for such information as he might be able to furnish, in regard to any British subjects having engaged in the traffic in slaves. To this he has not yet returned any answer, and for our own part, we can give no credit to this report, however Mr. Sonnerat may have heard it, as the circumstance has never reached us through any other channel; and as Mr. Sonnerat has also apparently declined furnishing Mr. Yeats with any information in regard to the names of the English vessels and their commanders, by whom he insinuates a trade in slaves to have been carried on.

Masulipatam, 18th Feb. 1793. We have, &c.

(signed) *Anthony Sadiler. Wm. Dobbyn. Andrew Scott.*

To the Gentlemen of the Masulipatam Council.

Gentlemen:—Observing by the proclamation you have published on the 20th of this month, a copy of which was sent me by the resident of Ingeram, that he has complained of the slave trade that has been carried on by some individuals, notwithstanding the prohibition formerly made by the English and French governments; and as I also know that he has made complaints against me, I am happy in having an opportunity of showing you how groundless they are. I therefore send you duplicate of the letter I sent the Madras council, and of those that accompanied, hoping that when you shall be made acquainted with every thing, you will no longer entertain any suspicion on the conduct that I have followed in all these circumstances, and I will be content, if I can induce you to entertain the best opinion of me, having nothing more at heart than to merit your esteem.

Yanam, 28th January 1793. I am, &c. (signed) *Sonnerat.*

To Piere Sonnerat, Esq. Chief of the Factory at Yanam.

Sir:—We have the honour of acknowledging the receipt of your letter of the 28th ult., previous to which, we had been furnished by Mr. Yeats with copies of a correspondence which had taken place between you and himself, on the subject of the traffic in slaves which had lately been carried on. We were concerned to observe, by the perusal of the papers in question, that this scandalous trade had lately been carried on to an extent, and in a manner that no circumstances can palliate, and which we are persuaded no European nation will tolerate in its subjects.

The measures we have been compelled to take for preventing the continuance of this barbarous traffic, have been communicated to you by Mr. Yeats; and it is a satisfaction to us to observe by your letter to that gentleman, of the 28th ultimo, that you concur in what has been done in this respect.

As we observe you make mention of three English ships having sailed with slaves for the Isle of France, and as we have not ourselves either known or heard of any British

British subject having taken any concern, directly or indirectly in this trade, we are desirous of receiving whatever information you may be able to furnish us with on this subject, when, on the event of the fact being proved, the commanders of the ships in question will certainly be punished by our government in the manner that their crimes may appear to deserve.

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We have, &c.

(signed) *Anthy Sadleir.* *Wm A. Dobbyn.* *Andw Scott.*

Masulipatam, 6th February 1793.

Extract from Fort St. George Public Consultations, 8th March 1793.

Minute.—As the syrangs of the above mentioned * vessels have already received corporal punishment, and as it is possible the owners were not privy to their improper conduct, it is resolved to remit so much of the former decision of the Board, that instead of confiscating the property of the boats, a fine of 100 star pagodas be levied on each syrang, to be appropriated to the maintenance of the children until they can be returned their families.

* Four small boats seized by order of government.

Ordered, That the boats be delivered up to the syrangs on payment of their respective fines.

Extract Fort St. George Public Consultations, 15th March 1793.

Read the following letter from Mr. Popham.

To the Honourable Sir Charles Oakeley, Bart. President in Council, Fort St. George.

Honourable Sir:—Having heard that some northern boatmen have lately been detected in the purchase of children, with a view of selling them as slaves, and that the children are now a charge to government, I offer to take them as apprentices for three, five or seven years, in order to assist in the cotton establishment, and will undertake to clothe and feed them, and restore them to their parents whenever they apply for them.

If the dealers in this illicit trade have been fined by government, I hope your Honour in council will have no objection to appropriate the amount of the fine in the purchase of clothing for the children.

I have, &c.

Madras, 11th March 1793. (signed) *S. Popham.*

The Board cannot comply with the above request, consistently with their determination of returning the children to their families at a fit opportunity; but if it suits Mr. Popham to employ them and provide for their subsistence until they can be sent back, it is agreed, that he be permitted to do so, upon his promise that they shall be returned whenever government may deem it expedient to call for them.

Sent the following letter:—To Mr. Stephen Popham.

Sir:—I am directed by the Honourable the Governor in council to acquaint you, that he cannot comply with your request, to receive, as apprentices, the children lately redeemed from slavery, as it is intended to return them to their families at a fit opportunity; but if it suits you to employ and provide for their subsistence until they can be sent back, you will have permission to do so, upon your promise that they shall be returned whenever government may deem it expedient to call for them.

Diary, 16th March.

I am, &c.

Fort St. George, 16th March 1793. (signed) *Robert Clerk*, Secretary.

Extract from Fort St. George Public Consultations, 22d March 1793.

Read the following letter from Musilipatam, with the papers accompanying it.

To the Honourable Sir C. Oakeley, Bart. Governor, &c. Fort St. George.

Honourable Sir and Sirs:—We have the honour of acknowledging the receipt of your letter of 23d ultimo, with its enclosures, copies of which were sent to the officer stationed at Coringa, as a rule for his own conduct, and that they might likewise be communicated to the resident at Ingeram, and chief of the French factory at Yanam; we herewith enclose copy of the answer received from Lieutenant Reddell, together with a translation of the letter from Mr. Sonnerat, therewith transmitted

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mitted to us, by which your Honour, &c. will observe, that the latter expresses himself as being much satisfied with the measures adopted for putting a stop to all future traffic in slaves.

We likewise take this opportunity of transmitting copy of a letter from the resident at Ingeram, inclosing a protest made before the chief of Yanan by the commander of a French vessel, named the La Constance; as Mr. Yeats has recited the circumstances that gave rise to the detention of the person whom he calls the captain, but whom Lieutenant Riddell calls an officer of the French ship La Constance, we need not recapitulate them, and have only to observe, that immediately upon our receiving information from Lieutenant Reddell, of his having secured the person in question, directions were sent for delivering him up to the chief of Yanam, which had according been done before the receipt of your orders of the 23d ultimo.

We have, &c.

(signed) *Anth^{y} Sadlier.* *W. R. Dobbyn.* *And^{w} Scott.*

Masulipatam, 16th March 1793.

To Robert Malcolm, Esq. Assistant Secretary.

Sir:—I request you will inform the chief and council, that agreeably to their directions, I transmitted to the French chief at Yanam, copies of the letters from the governments of Bengal and Madras, which accompanied your letter to me of the 4th instant. Mr. Sonnerat wrote me a letter in answer, of which the inclosed is a translation, he having desired that a copy of it might be transmitted to Mr. Sadlier.

I am, Sir, your very obedient servant,

Coringa, 8th March, 1793. (signed) *Thomas Reddell*, Lieutenant.

(A true copy.) (signed) *Robt Malcolm*, Assist^{t} Secretary.

To Thomas Reddell, Esq. commanding the Detachment at Coringa.

Sir:—I have received the letter which you did me the honour to write to me to-day, addressing to me the copies of letters which were written to you relative to the infamous traffic which some private persons have carried on, by taking away the natives of this country, born free, to transport them as slaves. I have seen, with pleasure, the means which the English government have at length taken on their part to prevent the exportation; I have myself done for a year past all that was in my power to prevent any Frenchmen from degrading themselves, by carrying on that trade, but by no means seconded by the English government, I was not able to prevent many people at the time from searching and taking advantage of the misery which reigned to the northward, to carry away the unfortunate from their country, and from their families.

The particular orders which I have given, and the severe punishment denounced against those who shall sell a single slave, will certainly prevent any exportation for the future; but if the English government do not take the measures at Bimlipatam, and in other places, which they have adopted at Coringa, there will always be found some private people, without delicacy, greedy, and allured by the prospect of gain, who will go into the country to carry on that disgraceful traffic; it would therefore be necessary that you send a copy of this letter to the Governor of Masulipatam, in order that it may be understood, that he may at Bimlipatam, and the other ports adjacent, take the necessary means to prevent any exportation from those places.

I have, &c.

Yanam, 7th March 1793. (signed) *Sonnerat.*

To Anthony Sadleir, Esq. Chief, and Council at Masulipatam.

Gentlemen:—Inclosed I transmit to you a protest made by Captain John Colin, of the French ship La Constance, against the English resident at Ingeram, and the officer commanding the sepoys at Coringa, for having detained an officer belonging to his vessel.

It seems the officer of the vessel was carrying off in his boat a boy who had been seized and confined the night before in Yanam; the boy observing some people on the shore near the village of Tabroo, called for assistance; the manager's tannadar or head servant, who resides there, stopped the boat with some sepoys under his orders, and sent the officer, some sailors, and the boy, under a guard, to Lieut. Reddell,

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Reddell, at Coringa; that gentleman confined the officer, and reported the circumstance to your Board; the tannadar at the same time sent to acquaint me with what he had done, and fearing a rescue, to request assistance, I directed him to apply to the officer commanding the sepoys at Coringa.

Suspecting from what had happened, that there might be slaves on board of the La Constance, I applied to the French chief to search the vessel; this was granted, and done, and no slaves were found on board of her; the French chief, in complying with my demand, requested of me to release the officer, as the business of the vessel was stopped by his confinement. I recommended to Lieutenant Reddell to release him, but he having reported to your Board, thought it necessary to wait your orders, and on the receipt of them sent the officer to the French chief at Yanam.

Such, gentlemen, is the real state of the case; the French officer knew perfectly well that no one was allowed to carry away the inhabitants of the country, and as he chose to transgress, he deserves in my opinion what he has suffered. I cannot suppose he was used ill, nor can I find that any property was detained. On the contrary, the tannadar assures me, an account was taken of every thing in the boat at the time she was seized, in the presence of one of the sailors, who counted them out; and that on the boat's being returned, every thing was delivered up by the same list.

It is to be hoped this example will put an end to the seizing of children in Yanam, in future; the boy told me they attempted to seize one other boy at the same time they seized him, but that he escaped.

I am, gentlemen, your most obedient servant,

Ingeram, 2d March 1793. (signed) *Mathew Yeats.*

The Board approve of the rescue of the native seized by an officer of the French ship La Constance, and of the measures taken in consequence by the resident at Ingeram, and the officer commanding at Coringa.

Read the following letter from Vizagapatam, with the paper accompanying it.

To the Honourable Sir Charles Oakeley, Bart. Governor in council, Fort St. George.

Honourable Sir:—We have the honour to acknowledge the receipt of the letter from government, under date the 23d ultimo, directing us to seize all persons whom we might detect in the act of purchasing the natives as slaves, &c.

Previous to the receipt of this letter, frequent applications had been made to the Rajah Vezearamarauze, on the subject of giving the most positive orders to his amildar at Bimlipatam, to prevent the exportation of slaves; but it appearing that these orders, if given, were little attended to, we determined to take a step which would have an immediate good effect, and perhaps discourage persons concerned in this illicit traffic from continuing it.

Having heard that a considerable number of young persons were collected and secreted in some houses at Bimlipatam, we sent an officer with a party of sepoys, and ordered him to search the houses, and liberate the slaves; he proceeded accordingly, and enlarged five hundred and sixty-five (565) young persons, whom we immediately sent to Chicacole.

We were aware that the measure of liberating these poor people would be an act of cruelty, unless we provided for their support; and we have therefore sent them to the collector in the Havelly, directing him to distribute them in equitable proportions among the renters under him, with orders that the young people shall be employed in the operations of agriculture; and that we may be assured that they are properly provided for, we have desired Mr. Keating to cause monthly reports to be made from each renter, specifying the mode in which the persons under his charge are employed, and noting any casualty that may occur.

We inclose a paper, giving an account of the names of the persons in whose godown and houses the slaves were taken; we did not think it necessary to seize the proprietors of these places, for as this business has been transacted in what may perhaps be deemed a Dutch settlement, we should have been apprehensive, had we made a seizure of the persons above alluded to, of going further than the Honourable Board might have intended.

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Our chief has written to the Rajah Vezearamrauze, acquainting him with the conduct of his amildar and cutwall at Bimlipatam, who connived in the infamous traffic of slaves, and requiring him instantly to expel them from their offices, and to punish them in an exemplary manner.

We have the honour, &c.

Vizagapatam, 12th March 1793. (signed) *John Chamier.*
John Snow.

Names of the persons at Bimlipatam, in whose houses and godowns five hundred and sixty-five slaves were found:—Mr. Lavelly, Mr. Briton, Dr. Marten, Mr. Zancher.

(signed) *John Kennett,* Lieutenant Fort Adjutant.

The Board much approve of the conduct of the chief and council of Vizagapatam, in liberating the natives secreted at Bimlipatam, and of the measures adopted for employing them usefully to gain a subsistence.

Resolved, That the government at Pulicat be informed of the existing orders for preventing a traffic in the natives as slaves, and that they be desired to deliver up such of the persons mentioned in the above list as are not of the Dutch nation. Those under their own immediate authority the Board have no doubt will receive that punishment they so justly merit.

Ordered, That the chief and council do in future apprehend the parties concerned in selling the natives, and act with them conformable to the instructions of the 23d ultimo. With a view, however, of preventing this criminal practice, it is resolved, that a party of sepoys be stationed in the village of Bimlipatam under a careful officer, with orders to rescue any natives whom the inhabitants may attempt to export as slaves, and to secure the persons of those who may be detected in this shameful traffic.

1198. Read the following letter from Mr. Stephen Popham.

To Robert Clark, Esq. Secretary to the Public Department, Fort St. George.

Sir:—In reply to your letter of the 16th instant, I request you will inform the Honourable the Governor in council, that I agree to employ and provide for the children lately redeemed from slavery, and to return them whenever government require. I hope, however, that the Honourable Board will be pleased to order that the children be provided with sufficient clothing before they are handed over to my charge.

Madras, 19th March 1793. I am, &c.
(signed) *S. Popham.*

Resolved, That the town major be informed of the Board's permission to Mr. Popham to employ the natives above-mentioned, until a fit opportunity offers of returning them to their families, and that he be directed, after clothing them, to deliver them over to Mr. Popham.

Ordered, That Mr. Popham be furnished with a register of the children, he giving an acknowledgment that they are delivered to his charge, and that he will clothe and feed them at his own expense, until the Board require them to be returned to their families.

Extract of a Letter from the Governor of Pondicherry, to Sir Charles Oakeley, Bart. Governor of Madras, &c. Fort St. George; dated 3d March 1793.

I have taken notice of complaints made by you to my predecessor, respecting the continuance of the illicit traffic in slaves, notwithstanding the orders of your government and of our own; my Lord Cornwallis has likewise addressed to me new complaints on this subject. I can only assure you, that I will give fresh orders on the occasion, with an assurance, that those who deviate therefrom shall be arrested, and prosecuted according to law. If your government, which I do not doubt, will readily second ours in that laudable intention, it will be difficult for the guilty to escape this double precaution. I am too desirous to see a stop put to so shameful a traffic, not to assure you of our efforts on that occasion, and to supplicate you to unite those of your government.

Read

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Read the following letter from Yanam.

To the Honourable Sir Charles Oakeley, Bart. Governor of Madras.

Sir:—I had the honour to address to you, at the close of the month of January, a packet for the council of Madras; I have not as yet received a reply.

This packet contained my justification of some erroneous representations that had been made against me respecting the trading in slaves, which some individuals have carried on in the country. It is very interesting for me to know if you have received it, being very desirous that you and the council should know the justness of my conduct. I must, therefore, request of you, Sir, to have the goodness to signify if you have received it or not.

I am, &c.

(signed) *Sonnerat*, Agent for the French Nation at Yanam.

Yanam, 15th March 1793.

Agreed, That Mr. Sonnerat be informed, that his letters cannot be taken into consideration, on account of the irregularity of his making any representation to this government, except through the governor of Pondicherry.

Extract Fort St. George Public Consultations, 23d March 1793.

Sent the following letter.

To the Honourable Jacob Eilbracht, Esq. Governor of Pullicat.

Honourable Sir:—The chief and council at Vizagapatam have informed this government, that they had liberated five hundred and sixty-five natives, who had been secreted at Bimlipatam for the purpose of being exported as slaves.

It has been judged proper, in consequence of such transactions, to send instructions to the agents of the English Company in the Northern Circar, to seize all persons who shall be detected in carrying on a traffic so inhuman; and if any of your nation should be apprehended, they shall be sent to you to receive such punishment as you may think they deserve.

I have the honour to enclose a list of the persons concerned in secreting the natives above-mentioned, and request the favour of you to send such of them as are not of your nation to the chief and council at Vizagapatam. Those under your immediate authority, I have no doubt, will receive that punishment they so justly merit.

I have the honour to be with esteem, &c.

Fort St. George, 23d March 1793. (signed) *Charles Oakeley.*

To John Chamier, Esq. Chief and Council at Vizagapatam.

Gentlemen:—We have received your letter of the 12th instant.

We much approve of your liberating the natives secreted at Bimlipatam, and of the measures you adopted for employing them usefully to gain a subsistence.

Upon the present occasion, we have applied to the Dutch government at Pullicat to surrender the four offenders mentioned in the list which accompanied your letter; but would have you in future, upon such discoveries, apprehend the parties concerned, and act with them conformable to the orders of the 23d ultimo. With a view, however, of preventing this criminal practice, we desire you will station a party of sepoys in the village of Bimlipatam, under a careful officer, with instructions to rescue any natives whom the inhabitants may attempt to export as slaves, and to secure the persons of those who may be detected in this shameful traffic.

We are, &c.

Fort St. George, 23d March 1793. (signed) *Charles Oakeley*, &c. Council.

Extract of a Letter to the Honourable Colonel Chermont, Commandant of the French Settlements in India, and Governor of Pondicherry, from the Governor of Madras; dated 23d March 1793.

Honourable Sir:—I had the honour to receive your letter of the 3d instant, and feel much satisfaction in your assurances of co-operation, to prevent a continuance of the traffic in the natives as slaves.

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Sent the following letters.

To Mr. Stephen Popham.

Sir:—I am directed by the Governor in council to acquaint you, that, in consequence of your letter of the 19th instant, the town major has been instructed, after clothing the natives redeemed from slavery, to deliver them to your charge, that they may be employed and maintained by you, until a fit opportunity offers of returning them to their families.

I am, &c.

Fort St. George, 23d March 1793. (signed) *Robert Clerk*, Secretary.

To Captain Alexander Beatson, Town Major.

Sir:—The Governor in council having permitted Mr. Stephen Popham to employ the natives lately redeemed from slavery, until a fit opportunity offers of returning them to their families, I am directed to desire, after clothing them, that they may be delivered to his charge.

You are to give Mr. Popham a register of the children, taking from him an acknowledgment that they are delivered to his charge, and that he will clothe and feed them at his own expense, until government requires them to be returned to their families.

I am yours, &c.

Fort St. George, 23d March 1793. (signed) *Robert Clerk*, Secretary.

Extract, Proceedings of the Board of Revenue at Fort St. George, 4th April 1793.

Read the following letter from the chief and council at Vizagapatam.

To David Haliburton, Esq. Acting President, and Members of the Board of Revenue.

Gentlemen:—We received a letter from the Honourable the Governor in council, under date 23d ult. directing us to seize all persons whom we might detect in the act of purchasing the natives as slaves, &c. &c.

In consequence of these orders, five hundred and sixty-five young persons are liberated at Bimlipatam, and, as we had taken them from those who fed them, we were obliged for the present to make provision for their support.

We accordingly ordered them to be sent to the collector in the Havelly, and we directed him to distribute them in equitable proportions among the renters under him, with injunctions that the young people should be employed in the operations of agriculture, and that we might be assured of their being properly provided for. We desired Mr. Keating to cause monthly reports to be made from each renter, specifying the mode in which the persons under his charge were employed, and noting any casuality that might occur.

In reply to the above mentioned letter to Mr. Keating, we received an answer, of which we beg leave to enclose a copy for your information, together with the copy of a letter which we have this day written to the collector.

We request to be favoured with your instructions as to the disposal of the poor people who have been rescued from slavery; as this is a period when no cultivation is going on, they cannot, if sent adrift, find the means of supporting themselves, and would therefore in all probability court slavery, from whence they have just been relieved. We conceive, therefore, that it will be most eligible to maintain them until the season of cultivation arrives, when they may, being strong and in good health, find the means of earning a subsistence.

We are, &c. (signed) *John Chamier. John Snow.*

John Chamier, Esq. Chief and Council of Vizagapatam.

Gentlemen:—I have the honour to acquaint you of the arrival of Ensign Brice, with the slaves who were delivered over to him by Mr. Snow of Bimlipatam; enclosed is his bill for expenses incurred on the road, as also a statement of their daily subsistence here.

In consequence of your letter of the 10th inst. I summoned what renters were then at Chicacole, and had the contents explained to them. I also endeavoured to persuade them to take these poor people, I am sorry to add without effect, as they seem

seem totally averse to receive them, unless the Company will defray the expense of their maintenance; they have requested me to forward the accompanying representation; upwards of 200 of them are too much enfeebled to be able to work. I shall therefore thank you, gentlemen, to inform me how you would have them disposed of, as the present expenditure on their account is considerable, amounting to near a thousand rupees per month.

I have, &c.

(signed) *Michael Keating.*

(A true copy)

(signed) *Robert Alexander*, Secretary.

The Honourable Company

	Dr.
To contingent charges for the subsistence of 566 slaves released from Bimlipatam, and put under my charge by order of the chief and council of Vizagapatam, brought up to Chicacole, for six days at three fanams each man per day - - -	242 24
To thirty coolies here, conveying rice for the subsistence of the above for six days, at three fanams per day - - -	12 36
	255 18
Received from John Snow, Esq. 303 rupees, being pagodas -	83 –
Star Pagodas - -	172 18

(signed) *Robert Brice*, Ensign 27th Battalion, N. I.

Chicacole, 16th March 1793.

(A true copy.) (signed) *Robert Alexander*, Secretary.

To Michael Keating Esq. Collector of the Havelly.

An Account of daily Disbursements made on account of the poor people sent by the chief and council from Bamlipatam.

	Surs.
166 men at 1 sur, per each - - - - - -	166
240 women at ½ do. - - - - - -	150
3 do. sick, at 1 do. - - - - - - -	3
115 boys and girls, at ¼ do. - - - - - -	57½
2 do. sick, ¼ do. - - - - - - -	1½
Total Surs - -	378 M. Surs.
Per rupees, is - - - - - - -	23 9 3
Fire wood - - - - - - - -	2 – –
Pots - - - - - - - -	1 12 –
Rupees - -	27 5 3

(A true copy.) (signed) *Robert Alexander*, Secretary.

From the principal Renters in the Vizagapatam Havelley, to Mr. Keating; dated 16th March 1793.

You were pleased to direct us to distribute the people sent from Bimlipatam by the chief and council of Vizagapatam, among our tallooks, and employ them in the agriculture, and have them properly fed and clothed, and have a report of them made to you monthly; you are sensible of the heavy loss we suffered this year by the Cassimcottah Havelly, and the Chicacole Havelly, by the effect of famine which had caused a failure of half the usual crop, by which the loss being still greater, we were disabled to pay the whole of Company's money, and consequently we thought to implore a remittance in our jummabundy; in this interval you desire us to take these poor people under our care; it is well known we can reap no good by them, as we can get nothing done by them, but we will only be at great expenses in having them fed and clothed. We here, for the foregoing reasons, beg to leave this to your consideration.

(signed) *Ramavadanloo Chundrape.*
Imbercanah Vincalaroydoo.

(A true translation.)

(signed) *Geo. Lavale*, Gentoo translator.

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To Michael Keating, Esq. Collector in the Chicacole Havelly.

Sir:—We have received your letter of the 19th inst. with the enclosures.

We think the conduct of the renters, with respect to the requisition made regarding the poor people rescued from slavery highly reprehensible, and we desire you will notify these sentiments to them, in sending these people to Chicacole; we had the benefit of the country in view, and of course the advantage of the renters, to whom, in the depopulated state of the district, an accession of hands could not but be highly acceptable; but since we find they are solely intent on their own immediate interests, it becomes us to be equally attentive to our rights over them, and we accordingly desire yon will instantly and peremptorily demand the payment of what is due from them on account of current kists.

As the renters have declined receiving the poor people upon the proposed terms, we do not intend for the present to urge the matter further; you will therefore be pleased to select those who are able to work, and employ some to cut fire-wood, others to repair tanks and roads, and to perform such public works as may be useful. The produce of their labour, as in the case of the fire-wood, must be applied towards the discharge of the expense which their maintenance will occasion.

We desire, as soon as the above arrangements are made, that you will report to us the manner in which the people are employed; those who are too weak, must be excused from labour for the present, but are to be compelled to work as soon as they may be enabled so to do.

We have to observe, on the inspection of Ensign Brice's bill, that the price of rice when he left Bimlipatam, was 12 seer per rupee, and must, it is presumed have been cheaper, as he advanced towards Chicacole. We therefore conceive, that fifty rupees per day must have been abundantly sufficient for the maintenance of the poor people from Bimlipatam; we wish to have further information on this subject, before the bill be discharged.

We are, &c.

(signed) *John Chamier* and Council.

Resolved, to lay before government the above papers, and to recommend the proposition therein submitted, at the same time remarking, that should it meet with their approval, particular instructions will be furnished the chief and council, to observe the strictest regard to economy in providing a subsistence for these poor people.

Extract, Proceedings of the Board of Revenue at Fort St. George, 8th April 1793.

Extract, Letter from the Board of Revenue, dated 8th April 1793.

We have the honour to lay before you, a letter with its inclosures, from the chief and council at Vizagapatam, relative to a considerable number of persons rescued from slavery in consequence of your late orders. Should you approve of their proposition, which we cannot hesitate in recommending, we shall give them particular instructions to observe the strictest regard to economy in providing a subsistence for these poor people.

Extract of Proceedings of the Board of Revenue, at Fort St. George, 18th April 1793.

Extract, Letter from Government, dated 13th April 1793.

We approve of the mode proposed by the Chief and Council at Vizagapatam, for the maintenance of the natives redeemed from slavery.

Extract of Fort St. George Public Consultations, 19th April 1793.

Extract, Letter from Messrs. J. Eilbracht, F. W. Bloeme, J. J. Winckelmano, J. J. Haiz, and I. J. Cantervischer, the Danish Council at Pullicat; dated 3d April 1793.

Immediately upon the receipt of the letter which the Honourable the Governor has been pleased to write, to the first underwritten, the 23d of last month, we have sent copies thereof to the chiefs of our comptoirs in the north.

We have at the same time, not only repeated our former strict prohibiting orders against the practice of making free men slaves in our districts, but have sent special orders to Bimlipatam to search after the poor objects thus deprived of their liberty, to demand those that are discovered, and to send them to the chief and council of Vizagapatam;

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Vizagapatam; also to inform them that are found guilty of having purchased men, and hid them from us, that they are to quit Bimlipatam in 48 hours, and to go to their own nation, and that notice thereof is given to the said chief and council, and that in case they refuse to depart, they are left to the consequences without any claim to our protection.

Extract, Fort St. George Public Consultations, the 25th April 1793.

Read the following letter:

To the Honourable Sir Charles Oakeley, Bart. President and Governor in Council, at Fort St. George.

Honourable Sir and Gentlemen:—I have been informed that Captain Gambo, of the ship Mars, and Captain La Blanche, of the ship Courier de Yanam, who sailed from Coringa in December last, with a considerable number of the natives of this country on board of their vessels, as mentioned in my letter to you of the 22d December last, are arrived at the Isle of France, and that Captain La Blanche means to return to Yanam, probably for the shameful purpose of carrying away more of the inhabitants.

I request, Honourable Sir and gentlemen, to be furnished with your instructions, whether I am to arrest his person, in case he should be found on the English territory. I have, &c.

Ingeram, 11th April 1793. (signed) *Mathew Yeats.*

To the Honourable Sir Charles Oakeley, Bart. Governor in Council, Fort St. George.

Honourable Sir:—We have had the honour to receive the letter from government, under date the 23d ult. and shall carefully attend to the directions therein contained, in the event of our detecting any persons engaged in the traffic of slaves.

Agreeably to your orders, we have appointed Lieutenant James Cranston, a steady and active officer, to reside in the village of Bimlipatam, and we have furnished him with a jemidar's guard of sepoys, in order to enable him to fulfil the objects of his appointment. We have, &c.

(signed) *John Chamier.* *John Snow.*

Vizagapatam, 4th April 1793.

Extract of a Letter from the Court of Directors, to the Governor and Council of Fort St. George, dated 23d April 1794.

Letter, dated 28th January 1793, (15 and 17) Slave Trade carried on by Foreigners from the Northern Circars.

Par. 11.—We cannot too highly commend your conduct in endeavouring to put a to stop the cruel traffic carried on by the French and Dutch, in the purchase of the inhabitants of the northern circars as slaves. The zeal and activity manifested by the chief and council of Vizagapatam, and by Mr. Yeats, the resident at Ingeram, in procuring the release of a number of these unhappy people, is very praiseworthy. The measures pointed out in your subsequent dispatch of the 2d May last, will, we trust, put an effectual end to a commerce so inhuman.

Letter, dated 2d May 1793, (4 and 7) Slave Trade carried on by the French and Dutch in the Northern Circars.

Par. 50.—Already replied to.

Extract of a Letter in the Political Department, from the Governor and Council of Fort St. George, to the Court of Directors, dated 2d May 1793.

41.—In the month of February last we received a letter from Mr. Light, the Governor of Prince of Wales Island, containing a circumstantial detail of the piratical seizure of a French brig, and the means by which she had been retaken. It appeared, that the commander of the vessel (Captain Gaudron) in the disposal of a part of a cargo of rice in the Northern Circars, some time last year, had received in exchange 180 natives, all of whom had been clandestinely embarked at the Dutch settlement of Bimlipatam, through the agency of Messrs. Martins and Benvit, residents Cons. 19th Feb. 1793.

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residents of that place, and were destined for slavery at the Isle of France, when the want of provisions, and the sufferings of those unhappy people, compelled Gaudron to take relief on the Malay coast, where he was treacherously murdered by the inhabitants, and the vessel seized and sold to the noqueda of a Surat ship, sailing under English colours.

42.—Mr. Light, deeming it necessary to take notice of this transaction, dispatched Captain Jervis, of the Scorpion cruizer, with orders to retake the brig, which having been effected, the vessel was sent to this port, under the command or Lieutenant Lowes, of the Bombay Marine, to be diposed of as we might think proper. We accordingly sent her to the government of Pondicherry, and transmitted copies of all the papers we had received from Mr. Light, together with a man named Abdullah, who appeared to have been very principally concerned in the murder of the captain, and in the act of cutting off the vessels.

43.—We wrote to the Government of Bombay at the same time, explaining the conduct of the commander and noqueda of the Surat ship, the former of whom had been accessary to the purchase of the brig, though acquainted with the circumstances by which she fell into the hands of the Malays.

44.—We wrote also to the chief and council of Vizagapatam, directing them to withhold the pension which had hitherto been granted to Mr. Martins, who had been formerly an assistant surgeon in the Company's service, and to apprehend his person, in case he should ever appear within the limits of our authority.

45.—To the council of Pulicat we complained of the conduct of Messrs. Martins and Benvit, and urged the necessity of an exemplary punishment for so flagrant and unjustifiable a breach of the proclamation which had been repeatedly issued in the Circars, positively interdicting a traffic so disgraceful and repugnant to the feelings of humanity.

Cons. 19th March.

46.—Colonel Chermont, the governor of Pondicherry, expressed in very handsome terms his acknowledgments for the measures we had taken in the recovery of the vessel, and with great cheerfulness reimbursed the expense which had been sustained by the Company. He informed us, that the severe example which would be made of the persons concerned in the piracy, would, he hoped, deter others from the commission of similar crimes, and that he should not fail of embracing every occasion that offered, of testifying the sense he entertained of the liberality which had marked the conduct of the Company's government in the instance in question.

Extract, Fort St. George Military and Political Consultations, 19th February 1793.

Read the following letter from the Governor of Prince of Wales Island.

To Sir Charles Oakeley, Bart. Governor in council, Fort St. George.

Honourable Sir:—Having in November last received information from Captain Butler, of the snow Bridget, that a French brig had been piratically cut off at Pedir, the captain, mate and part of the crew put to death in a cruel manner; but that the surgeon, with a few of the Europeans, was still alive on shore in the hands of the Malays, and that the noqueda of a Surat ship, sailing under English colours, and with an English pass, had purchased the French brig immediately after she was taken, had hoisted English colours upon her, and proposed to proceed with a cargo of rice to Muscat, where he would be out of the reach of any European power. I deemed it necessary to take notice of this transaction, and to attempt to recover the vessel; humanity required also, that I should endeavour to relieve the surviving Europeans, who, in confinement at Pedir, I understood, were in daily apprehension of being put to death.

Par. 2.—Accordingly, on the 23d November last, I dispatched Captain Hugh Stephenson Jervis, in the Scorpion cruizer, upon this service; and on the 8th ultimo he returned with the French brig in company.

Par. 3.—By Captain Jervis's report, which goes a number in this letter, it appears, that on the 3d December he found the French brig lying at Aierlabee, on the coast of Pedir, in company with the ship Futty Islaum, Captain Wass, and manned by an officer (a Mr. Leslie) and lascars from that ship. Captain Jervis, conformably to the instructions I had given him, immediately took possession of the French brig, and received from the Surat ship a French surgeon, one seaman much wounded, the French captain's servant, a little boy, and a Caffree; he also received from

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from Captain Wass sundry articles belonging to the French captain, which he discovered were on board the Futty Islaum, together with a Portugueze secunny and a renegado Frenchman, called Abdullah, who was particularly charged with cutting off the brig. It appears from Captain Jervis's report, that Captain Wass secreted this latter man, and that it was by accident Captain Jervis heard he was on board.

Par. 4.—The noqueda of the Surat ship, Futty Islaum, whose name is Nana Cassim, and whom it appears purchased the brig in the name of Captain Wass, requested a passage from Captain Jervis to this place, that he might justify his conduct in making the purchase. Soon after his arrival, I examined him on the subject, and transmit his narrative herewith, together with the narratives of the surviving Frenchmen, and the bill of sale of the vessel, which the noqueda procured at Pedir, and on which he founds his claim to the vessel.

Nos 2, 3, 4, 5, 6, 7, 8, 9, 10.

Original Bill of Sale sent to Pondicherry.

Par. 5.—That your Honourable Board may have at one view before you the circumstances which led to the brig being cut off, and which materially interests your government, inasmuch as the vessel was loaded with slaves, inhabitants of the circars, I shall relate the material parts of the information I have been able to procure.

Par. 6.—It appears that the French brig, the Jean Bass, Captain Goudron, sailed from Bengal in August last with a cargo of rice, bound to Coringa; that meeting with bad weather, Captain Goudron put into Ganjam, and sold a part of his rice at that place; from thence proceeding to Bimlipatam, he sold the remainder of his rice to a Mr. Martin and a Mr. Bexoit, from whom he received in exchange, 180 natives of the place; these people were sent off by stealth at night, and the vessel immediately sailed for the Isle of France. Soon after leaving Bimlipatam, all their cooking utensils being broken, they had no method of boiling rice for so many people, and were reduced to great distress; it is said that they subsisted the slaves upon raw rice, and this the sweepings of the hold; at length Captain Goudron resolved to proceed to the Nicobars, where not meeting with what he wanted, he proceeded to Achin, and from Achin to Pedir; for by this time he was in want of rice as well as utensils to boil it in. The people of Pedir, a great many of whom are natives of the coast of Coromandel, but long settled there, hearing from the slaves on board the sufferings that they had undergone, and some of them perhaps relating that they had been decoyed on board, resolved to take revenge on the French captain; and for this purpose they employed the renegado Abdullah, who being a Frenchman, soon insinuated himself into the good opinion of the French captain, and acted in the capacity of his interpreter. The French captain was persuaded to sell the few guns he had on board, by their offering a high price for them, and when he went on shore one morning, in company with Abdullah, to receive the rice he had bargained for, Abdullah led the captain to a house where a great many Malays were assembled; they fell upon him and wounded him desperately with their creeses, put him into irons, and made prisoners of the boat's crew; then Abdullah, with a party of Malays, went on board the brig, killed the mate, and took possession of the vessel, for the remainder of the crew having no arms to defend themselves with, were forced to jump overboard, or such as resisted, were either killed or disabled.

Abdullah and the Malays being in possession of the vessel, the slaves were sold by the Pedir rajahs or chiefs, and distributed all along the coast. Abdullah sold the vessel's stores to a Captain Macalister and a Captain Caird, who happened to come into the port with their vessels about the time; and Nana Cassim, the noqueda of the Surat ship, at last purchased the brig herself of the Pedir rajah for four catties of gold, deducting five buncats, on account of an anchor that was sold.

Par. 8.—The noqueda of the Surat ship mentions in his narrative, that he stipulated for the release of the Frenchmen who were confined in irons on shore, when he agreed to purchase the vessel, and took much merit to himself on this account, when examined by me; but by the narrative of the surgeon, it would appear that the noqueda went to the Frenchmen, and seeing them in a miserable situation, told them that he would procure their liberty, in case they would put their names to the bill of sale of the vessel, otherwise they might remain as they were until they died; if this be true, his interests and his humanity were very nearly allied.

I now send the French brig under charge of Lieutenant Lowes, of the Bombay Marine, to your presidency, that it may be determined there to whom she is to be restored; I should imagine that the original owners have never lost the property in her, and the purchaser of the vessel, as well as the purchasers of the stores, appear

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to me to merit the censure of government, for if the Malays could always so readily meet with purchasers of vessels, it would be a great inducement to attempt to cut them off; and for an English ship (I believe actually in sight of the brig when cut off) to purchase her in the course of a few days after the accident, appears to me to be giving ground of complaint to the French nation.

10.—At all events, my taking charge of this vessel, will have one good effect, that of pointing out to your government, the people who traffic in slaves in the Circars, though from their being foreigners I am unacquainted, if it may be in your power to punish them.

N° 11. Accompanying, I transmit a list of people on board the brig, and an account of the expenses incurred in fitting her out for the passage to Madras, amounting to

N° 12. sp. drs. 512: 05, which has been advanced by me, for account of the Honourable Company, and which I apprehend, you will have no difficulty in procuring payment of, from the person to whom she may be rendered up.

I have, &c.

Fort Cornwallis, 2d February 1793. (signed) *Francis Light.*

Enclosures.—N° 1.

Agreeable to orders from Francis Light, Esq. superintendent of Prince of Wales Island, to weigh anchor and proceed with the Honourable Company's cruizer, the Scorpion, to the coast of Peder, to retake a French brig that had been cut off there, and to return with her to Prince of Wales Island.

Saturday, November 24th, 1792, at six P. M. weighed, and stood out of the harbour.

Monday, December 3d, 1792, at two P. M. came to anchor off Aierlabee; found riding here the ship Futty Isslaum, belonging to Surat; a ketch from Nagore, and the French brig that was cut off at Peder on the 31st October; sent Lieutenant Edward Lowes, with a midshipman and a party of sepoys, and took possession of the French brig; received from on board the Surat ship, a French surgeon, one seaman much wounded, the French captain's servant, a small boy, and a caffree; also sundry articles from Captain Francis Wass, commander of the ship Futty Isslaum, and two renegadoes, one of them particularly charged with being a principal in cutting the French brig off.

Tuesday, December 4th, 1792, at five A. M. weighed, to return to Prince of Wales Island, with the French brig; when getting under weigh, Naula Cossaum Noqueda, of the Surat ship, came on board the Scorpion, and after repeatedly requesting to have a passage to Prince of Wales Island, it was granted to him.

Tuesday, January 8th, 1793, arrived at Prince of Wales Island, in company with the French brig, and came to anchor.

(signed) *Hugh Stephenson Jervis.*

Prince of Wales Island, January 10, 1793.

To Francis Light, Esq.

Sir:—In addition to the report I have already made to you respecting my taking possession of the French brig, I think it of consequence to relate the conduct of Captain Francis Wass, commander of the Surat ship Futty Isslaum, and of Nanly Cossam, that ship's noqueda; on the Scorpion's arrival at Aierlabee, and after I had sent and taken possession of the brig, I sent to Captain Wass, and requested to see him on board the Scorpion; when he came on board, I inquired how he came in possession of the French brig, as part of his crew were then in charge of her; he informed me that his noqueda had bought her of the people at Pedir, the place where the brig was cut off, and where the French captain was murdered in a very cruel manner on shore; on my representing to him, how atrocious it would appear, and how liable his noqueda was to be punished by the French nation, should they ever be informed that he had bought a vessel under such circumstances, and more particularly so, as he, Captain Wass, had informed me that the noqueda was in Pedir at the very time that the French captain was murdered, and the brig cut off; at this time, Captain Wass seemed to defend the conduct of his noqueda, and returned on board his ship again, informing me that he had the French surgeon, a seaman, much wounded, and the captain's servant, a small boy, on board of his ship, I immediately sent and brought them on board the Scorpion; when the surgeon came on board, he began to relate how cruelly he had been treated at Pedir, with the circumstances of his captain being murdered, and how the vessel had been cut off by the people of Pedir, headed by

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by a renegado European, whose Mahometan name was Abdullah, and who was then on board of the Futty Isslaum, going as a passenger; on this information, I sent and desired Captain Wass would deliver immediately to me this renegado, which he did, after making several excuses; after I had got this renegado on board the Scorpion, I desired to speak with Captain Wass again; when he came on board, I asked him how he could think of taking as a passenger, such a person as the renegado was, and why he had not informed me that he had such a person on board; he then declared that he did not know that the renegado had been concerned in cutting off the brig, nor any thing about him, as it was the noqueda who had sent the renegado on board, and who had granted him a passage; I then desired that Captain Wass would deliver up any thing he might have belonging to the French brig, on board of his ship; he said he had already given up every thing; I then asked him where his noqueda was; he said on shore, a great way up the country; I desired that he would immediately send and tell him that I wanted to see him; he said he would, but did not believe he would come. Captain Wass then returned on board his own ship again; in the course of the evening, the French surgeon informed me, that the captain had detained a Caffree belonging to the French captain; on the Caffree's being sent for, he was immediately delivered up, Captain Wass giving a curious reason for not sending him with the other people, viz. because he was not asked for; the Caffree was given up in the evening, and the next morning I was informed that Abdullah, the renegado, had said that he had given in charge of Captain Wass, a sum of money for stores belonging to the French brig, that he Abdullah, had sold to various persons, and that Captain Wass had several articles belonging to the brig, and her captain, that had been murdered; in consequence of this information, I sent to Captain Wass, who delivered twelve gold mohurs, eight Spanish dollars, and ten rupees, saying that he had then given up every thing; but the renegado still persisting that he had a number of articles remaining, I sent to him again, mentioning the several articles that I understood he had not delivered; he then sent me the French captain's book of charts and directions, with a number of other French books, also the articles, as mentioned in the list of stores that were sent on board the brig; in the afternoon, about two o'clock, the noqueda came on board the Scorpion from the shore; the first thing I asked the noqueda was, how he came to buy a vessel, that he had been almost an eye-witness to her being cut off, and when he so well knew, that her captain and officers had been murdered in so cruel and unjust a manner, he replied, that he had been absolutely forced to take her in lieu of a debt that was owing to him by some great men at Pedir, and produced the deed of purchase, which I have already given to you, made in the name of Captain Francis Wass. I then requested to see Captain Wass on board the Scorpion; when he came I shewed him the deed of purchase of the French brig, and asked him if he had authorized the noqueda to buy the brig in his name, he declared that he had not; after some altercation between the noqueda and Captain Wass, the noqueda said, I will tell you the whole of the circumstances respecting the purchase of the brig; although she was purchased in the name of Captain Wass, she was not solely to belong to him, but to four of us, naming himself, Captain Wass, a man whose name I forgot, but who the noqueda said, was part owner of the ship, and was then at Surat; the fourth part, he said, was to belong to his carannu, or black writer; all this the noqueda told me, with evident signs of fear, and Captain Wass still insisted that he had made use of his name in the business, without his consent or permission; after some conversation between me and Captain Wass, in which he, Captain Wass, seemed to be under great trepidation, and often prevaricating, he returned on board the ship again; when he was gone, the noqueda began, by asking me what I thought he had better do, I told him that I really could not give him any advice in so bad a business, particularly as he appeared to me to be so very culpable in purchasing the brig, when he must have been so well acquainted with the manner of her being cut off, from his being in Pedir at the very time; nay, he even confessed to me, that he heard the French captain call out, when they were murdering of him. I told him that I should carry the brig to Prince of Wales island with me, agreeable to my orders; but he might rest assured, that if he ever went near a French settlement, and they knew that he had bought the brig, in the manner he had done, with the suspicious circumstances attending it, such as his having given a passage to the renegado, who had headed the party who cut off the brig, and who had killed one of the officers with his own hand, with the many other circumstances already related, that he, the noqueda, might be certain of meeting exemplary punishment; the noqueda then appeared to be so much alarmed, that he asked several times if I

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thought he was in danger of being hanged; he then went on board of his own vessel; in the morning, when we were getting under weigh to sail for Prince of Wales Island, the noqueda came on board in the Surat's ship's boat, and requested I would grant him a passage to Prince of Wales Island in the Scorpion, saying he was under great apprehension of what might happen to him, should a representation be made to Bombay respecting him; he said, he therefore wished to go to Prince of Wales Island, to know what punishment he was liable to; after telling him, in the presence of Lieutenant Fortescue, that he must remember that it was by his own repeated desire, I granted him the passage he asked; I have thought it the more necessary to relate all these circumstances to you, as the noqueda used prevarication when examined before you, and seemed to think that his conduct was by no means very reprehensible. I am, &c.

(signed) *Hugh Stephenson Jervis.*

Prince of Wales Island, 12th January 1793.

N° 3.—I attest, and certify, that Captain Goudron, commander of the brig the Jean Bass, sailed from Bengal for Coringa, but meeting with contrary winds, the vessel being leaky under the bowsprit, and deep laden with rice, the captain resolved to put into Ganjam, where he sold a part of his rice to the governor; from thence we sailed for Bamlipatam, where he sold the remainder of the rice to Mr. Martins and Mr. Benvit, and for payment thereof, they gave 180 slaves, from thence we sailed for the Isle of France; but at the end of 15 days, all our cooking pots failing us, we knew not how to cook the rice. The captain sailed for Tranquebar,* but could not procure there what he wanted; he then sailed for Acheen, where he got a cooking pot, and at the same time met with an English captain, who advised him to go to Pedir, where he would find every thing cheap. The captain seeing that the weather was very bad, resolved to go to Pedir, and being arrived, went on shore to the king, to ask for what he wanted. He there met with a Frenchman, who asked him what he had need of; the king gave him whatever he asked for, and offered him the French Malay for an interpreter. The captain being satisfied, came on board with the noqueda of the king, who was to purchase the Bengal goods. The noqueda was some time without coming on board again; but the white man remained on board to purchase the provisions which came along side. At length the noqueda came on board with the rice, the rogue of a white man betrayed the captain; when the noqueda told him to tell the captain one thing, he said another; the noqueda asked the captain to sell him four guns, and two blunderbusses, which he had; he asked him how much he would give, and he answered, through the white man, eighty dollars. The captain, who had no shot and very little powder, seeing that he offered a good price, let him take them; the white man was well acquainted with the plot that was going on. Some time after, the captain and me, the white malay, three sailors, and a caffree, went on shore to the noqueda; the captain spoke to him about settling accounts, he caused the captain to be told that he would settle immediately; he gave us a breakfast, after which, we went out for a minute, after which we asked him when he would send off the rice, he answered, presently; at the same time, the white Malay said to the captain, come and see the rice taken away, but quite the contrary, the wretch led him into the hands of the Bouron people, a great many Malays assembled around him, and fell upon him with their creeses; when he was fallen and almost dead, they put irons on his feet, and stripped him of every thing he had on, even cut his ears to get his ear-rings. The wretch of a renegado, after that the captain was almost dead, went to the boat and told the sailors that the captain was dead, and that the Malays would seize upon the ship; they began to seize upon us, and carry us to the king; they tied us together like criminals, took away every thing we had on, except our breeches and stockings, and every moment we expected to be put to death. Then the renegado went on board the vessel with two Malays well armed. The second mate asked him what he came for; he said, he came to get an account of their provisions; the mate asked him, if the rice was coming; he answered, it was coming a-stern of him; but it was not rice, it was two large boats was coming full of people; the second apprehended that they came to take the vessel, and recommended the crew to procure whatever weapons they could to defend themselves with; the little boy tells me, that the renegado drew his sword, and made a blow at the second mate; he asked him why he did so; the white man said, I took you for a Malay; from the blow he had received he fell into the sea, but got hold of the rudder rope; the wretched renegado then took from the little boy all the keys, but the crew to prevent this came on deck.

* He means the Nicobars.

When

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When the renegado saw this, he said to the Malays in their language, come on board to defend me, which they did, and began by cutting a Caffree into pieces, and with a sailor they threw him into the sea; only one man was then lost, and this was the Caffree, for the others seeing this jumped overboard, and saved themselves by swimming on shore; the white Malay caused the two others who were sinking to be taken up, and he had them put into a small canoe, where they lost much blood, and afterwards carried on shore, where they were thrown like dogs upon the beach, and when they had taken every thing out of the vessel, they considered us as slaves, keeping us confined; the noqueda desired me to follow him to see the two wounded men. The second hearing me, called me to his assistance, and begged me give him some water. I gave him some, and he told me that it was the white Malay who had thus cruelly used him; he died the next day. The captain desired to see me; I thought that he had been dead, but being carried to him, I could not refrain from weeping on seeing him in the saddest situation possible. The first word he said to me was, that he was a dead man, and that the white man had caused his death by putting him into the hands of the Bouron people. He desired me not to abandon the little boy; I told him he might remain easy on that head: he enquired after the officer; I told him he was dead; I dressed him as well as I could with salt water, and was very ill myself on leaving him; he died the next day; a sailor and myself buried him. At length we were all ill from our miseries, which we still feel; we were all kept together like so many dogs, and every day they gave each of us a small ball of rice; in fact, we were dying by inches. Some time after, the noqueda* came to see us, and he saw us in a terrible situation. He told us that he was going to buy the vessel, and if we would sign, that he would get us released from slavery, that otherwise we would die by inches; and having agreed among ourselves, that we could not support our existence much longer, we resolved to sign without much hesitation; for having done so we cannot be blamed, seeing what a terrible situation we were in. I certify that in this relation there is nothing but the truth. In witness whereof, we have hereunto signed our names.

* Noqueda, of the Surat ship.

J. Julliant.

Bernard not knowing how to sign his name, has put his × mark.

Franchays.

N° 4.—Narrative of Pierre Marjee, taken the 10th of January 1793.

I embarded at Bordeaux, in the brig Jean Bass, Captain Goudron; the owner of the vessel is named Monsieur Voitrin; we went to Bengal; from Bengal we sailed in August, loaded with rice, for Yanam, but the vessel making water under the bowsprit, we put into Ganjam, and sold 500 or 550 bags of rice to the governor; from Ganjam we went to Bimlipatam, where we sold 150 bags more. One evening, the captain came on board with a boat of water, and three chillingas full of people; the same night, we got under sail for Mauritius; after being at sea seven or eight days, we were much distressed for a boiler to boil rice for the Indians; the maiter advised the captain to go to the Nicobars, where he would get a large boiler and fresh provision. We went to the Nicobars, remained three days there, could only procure a few fowls; from the Nicobars we went to Acheen, where the captain procured a large copper boiler; remained two and a half days at Acheen, and then went to Pedir. The captain anchored very close to the shore; an English captain came on board, and advised him to go farther off, for it was not safe to lay so near the land; the captain did so. At Pedir, the captain got acquainted with Abdullah, a renegado, who promised to procure rice, and assisted the captain in selling four small guns and two blunderbusses, at a great price; this renegado had the confidence of the captain, and deceived him in every thing. After being twelve days at Pedir, the captain went ashore with the doctor, myself, Pierre le Pierre, and Azor, the caffree; the captain and doctor, with the renegado, went to breakfast with a noqueda; after breakfast, the captain asked Abdullah where the rice was; Abdulla said, come with me, and I will shew you the rice. He went with the captain to the house of a Malay, where they cut and wounded the captain; the renegado Abdullah then told the rajah what had happened, and went off to the brig in a small boat, armed. I remained on shore in a house for the space of an hour, when the Malays came, stripped and bound us; in this condition we remained until eight o'clock; they then shut us up in a small yard, where we remained eighteen days; they gave us rice and water, and sometimes a little fish, and once or twice some spirits they had taken out of the vessel, wanting us to turn Moormen;

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men; afterwards we were sent on board the Surat vessel, the noquedar of which had bought our brig; the next day, the noquedar sent us on board our brig to work.

Taken before me, (signed) · *F. Light.*

N° 5.—Narrative of Bernarde Sanguny, taken the 10th January 1793.

I embarked in the French brig in Bengal, and was on board when the Malays attacked her at Pedir. The renegado Abdullah came on board in a small canoe, with a native of Bombay and three Malays; Abdullah had a pistol, a sword, and a creese; three prows were following after. On seeing him come on board in this manner, I called up the officer, and recommended him for us to be on our guard; but as the captain and officers placed great confidence in this Abdullah, he said there was no occasion, and Abdullah said, the boats coming on board were loaded with rice; when the boats came along-side, this Abdullah told the Malays to come on board, and kill away; they accordingly did so, and I saw this Abdullah draw his cutlass, but whether he stabbed the officer himself or not, I cannot say, I thought only of my own safety; and as we had no arms but what knives or axes we could lay hold of at the moment, I soon saw all defence was vain; I then jumped over board along with the cooper, and after being four hours in the water, we reached the shore. When we got on shore, the Malays seized us, and carried us to the village, and tied us to a log of wood. We remained prisoners twelve days, during which time we saw the body of the captain thrown into the river. The Malabar slaves, by order of the Malays, buried the body by the river side; the Malays would not allow any of us that had escaped to see the captain previous to his death. The same day I swam on shore, I saw the renegado Abdullah on shore. At the instance of Captain Caird, the Malays released us on board the Surat ship. I think that Jean Irvoir, the former boatswain of the ship, was concerned with the renegado Abdullah, because the Malays spared him, and he remained in the vessel until he went away with Captain Caird. I heard that Abdullah sold the stores of the vessel to Capain Caird, viz. a mainsail, foresail, topsail, sheet anchor, six coils of rope, two tow lines, one large tow line, and one cable; other stores were taken away, I suppose, by the Malays. I cannot say if any other English captain bought any of the stores. The Surat noqueda sent me on board the French brig, where I found Mr. Leslie in command; the reason of our putting our names to the bill of sale was, that the Malays would not release us until the vessel was sold, and we would have put our names to any paper to have got out of their hands; there was only the captain, the mate, and one Caffree killed, and one man very much wounded, who is now in the hospital here; the captain had not much money on board when the vessel was taken, he having expended the most of it in purchasing the natives of the Circars; he had on board three or four bales of white cloth. The captain had sold all his rice at Bimlipatam to Dr. Martins, who paid for it in the inhabitants of the Circars; 140 were on board when the vessel was taken.

Taken before me, (signed) *F. Light.*

N° 6.—Narrative of Chivalear, a boy taken the 10th January, 1793.

I was on board when the Malays came to take the vessel. I saw Abdullah, renegado, kill the officer with a sword and creese. It happened thus: Abdullah came on board with three Malays, and told the officer he was sent by the captain to count the fowls; the officer gave him something to drink; then a boat full of people came on board and attacked the crew; I saw Abdullah cut the officer in the face and back with the sword; Abdullah led the Malays on; I ran into Abdullah's arms, and begged he would not kill me; Abdullah spared my life; I remained fifteen days on board with Abdullah, who had charge of the vessel; Abdullah took and destroyed every thing. I went on shore before all the stores were sold; I lived with the Rajah, and the Malays wanted to detain me; but at length they released me on board the Surat ship, along with the others.

Taken before me, (signed) *F. Light.*

N° 7.—Narrative of Pierre la Piere, Seaman, and Azor or Caffree, taken 10th January 1793.

We were on shore, along with the captain, but remained in the boat when he was attacked; we were confined and released the same as the others.

Taken before me, (signed) *F. Light.*

N° 8.—Narrative of Andrew de Dias, taken 16th January 1793.

I went passenger in the Futtah-Islam, noqueda Nana Cassim, from this port to Acheen. The noqueda went to Boorou, three miles from Pedir; I was a-shore, and saw several boats full of men, with arms, going from the shore; I ran towards Pedir, to see what was the matter; in going along, I met with a Frenchman, swimming to the shore; I asked him what was the matter; he told me the Malays were taking the vessel; I was then afraid, and returned to Boorou; our vessel remained one day at Boorou; from thence went to Ganjam, where she staid two days, and then went to Pedir. Noquedah Nana Cassim said to me, the Malays will not pay me my money; I will buy this French vessel; you must make out a paper for me. I said, I cannot do this, it will bring me into trouble. The noquedah said, I will take care no harm shall happen; when we get over the coast, I will get a proper passport. I then made out the paper for the sale of the vessel, just as the noquedah told me. Three days after, I went to see the French captain, but the Malays stopped me; the next day I succeeded, and spoke with him; he was in irons, with only a pair of Malay drawers on; had a large wound in his belly, another in his head, and one through his hand. The captain said, if you go to Pondicherry, or any English port, tell them that these Malays have taken my vessel and killed me; I heard he died that night.

The noqueda of the Futtah-Islam bought the vessel about fourteen days after the Malays had taken her; Captain Caird bought several stores belonging to the French vessel, from Abdullah, the renegado; the Malays took all the slaves, who, with the wearing apparel of the Frenchmen, were sold to various people; I heard that Hodjee Mahomed, a Cheliar Malay, first stabbed the captain.

Taken before me, (signed) *F. Light.*

N° 9.—Narrative of Laurant Severin, alias Abdullah; taken 10th Jan. 1793.

I am a Frenchman; went from hence with Captain Haggy; was turned on shore by him at Pedir. From Captain Haggy's bad report of me, no person would take me away; had nothing to subsist upon; the Malays would give me nothing, unless I changed my religion; I became a Mussulman, and had been a month at Pedir, when the French brig came there; I asked a passage from the French captain to the Mauritius, and in consequence of the captain's compliance, I had been five or six days on board before the accident happened. I had been with the captain on shore to shew him his rice; the Malays carried the captain from house to house, till at length they came to Tunkee Campoon Pooka's house, where near two hundred Malays were assembled. The captain asked for a cocoa-nut to drink; they brought two; one being broken, they opened the other, and while the captain was drinking it, a Malay stabbed him; the captain attempted to draw his dagger, when another Malay stabbed him in the belly, and disabled him. I heard that the man who stabbed him in the belly was one Hadjee, a Chulian. The captain thus wounded, was put in irons, and I heard four days afterwards, died. The Malays, after wounding the captain, ran to the house of Tunkee Patree, and they then all got into boats; Tunkee Patree then wanted me to go along with them, but I refused. I then went on board the brig in a small canoe, with one Allick, a native of Bombay, and two Chullians; I was obliged to go on board, fearing, if I refused, that the Malays would put me to death; I was also afraid that the Malays would kill me, had I mentioned, when on board, the circumstance of the captain attacked on shore. Then the other Malay boats came up, and boarded the vessel, killed the mate, and wounded the man now in the hospital; but I deny having any hand in the business. Captain Macalister bought a cable and tow-line for ten gold mohurs, and Captain Caird a variety of stores, for which he paid me two gold mohurs; and the rajah, I believe, about one hundred dollars. Eight days after the vessel was taken, Captain Butler came in, and took a great many stores from her, a chest full of books, &c. without paying any thing for them; then the rajah sent me on board to sell all the stores that remained on board, and to bring the vessel into the river. The Surat noqueda agreed to purchase the vessel for four catty of gold; but when the cable and anchor was sold to Captain Caird, he deducted five buncals. The Malays wanting to kill me, I begged a passage from the Surat noqueda, and went on board the Surat ship.

Taken before me, (signed) *F. Light.*

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N° 10.—Narrative of Nuna Cassim, noqueda of the ship Sataislam of Surat, taken 10th January 1793.

I was trading on the coast of Pedir when the French brig came there; I heard the Malays and Chulians had an intention of cutting her off, on account of their having the people from the Circars on board. Of this I gave twice information to the French captain, but he credited me so little, that he went to the rajah, and informed him that I had given him this notice. When the captain was wounded on shore, I was at Pedir, and was told by several people, that previous to his death, he acknowledged he would have saved his life, had he paid attention to the information I gave him. When the Malays had got the vessel, they proposed to me to take her in part payment of their debts to me, which amounted to betwixt seven and eight cattys; this I then refused, but afterwards seeing little probability of recovering my debts, I was induced to take the vessel in part payment, at the recommendation of Captain Wass; and I was the more induced to do this from seeing other English captains buying the stores. I bought the snow for four cattys, but deducted five buncals on account of an anchor that was sold, and I stipulated that the Frenchmen remaining on shore should be released. My intention was to make the circumstance of the purchase public when I got to Bombay, and to restore her to the French, on their paying me what I had given. My reason for taking Abdallah on board my ship was, in case I should meet with any difficulty in getting a pass. On my arrival at an English port, it was my intention to bring him forward, as the person who was concerned in cutting the vessel off.

Taken before me, (signed) *F. Light.*

N° 11.—List of people on board the French brig the Jean Bass:

Lieutenant Edward Lowes, in command.
John Smith, secunny.
William Barrett, d°
Charles Leslie, belonging to the Futta Islam.
7 Lascars, belonging to d°
Andrew Dias, belonging to d° and writer of the bill of sale.

Frenchmen belonging to the brig:

J. Julian, surgeon.
Bernares, seaman.
Franchoys, d°
Du Verrez, d°
Pierre le Pierre, seaman.
Chevaliar, boy.
Azon, Caffree.

Laurant Severin, alias Abdulla, charged with the murder of captain and mate.

Prince of Wales Island, 5th Jan. 1793. (signed) *F. Light.*

N° 12.

French Brig, To the Honourable Company, Dr.

1793: 16th Jan.	To Messrs. Scott and Co. for the amount of their bills	340	5	5
– 18th. –	To Captain Lindsay, for the amount of his bill	15	–	–
– 25th –	To Mr. Waun d°	11	4	–
– 28th –	To Mr. James Gardine d°	85	2	4
	To Mr. Perkins d°	8	–	–
	To Mr. G. Raban d°	58	–	–
	To Mr. Layton d°	17	8	5
	To James Hutton, Esq. d°	17	2	–
	To Lieutenant E. Lowes d°	14	5	–
	Spanish dollars	567	7	4

Prince of Wales Island, 31st Jan. 1793. (signed) *F. Light.*

The vouchers are delivered to Mr. Lowes.

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Amount of the several bills - - -	657	7	4
Dr. Hutton's bill - - - - -	47	6	4
	615	3	8
Deduct received from Capt. Jervis, who re-received from Capt. Wass the amount sale of stores belonging to the French brig -	103	3	3
Spanish dollars -	512	–	5

Francis Light, Esq. Dr.

To sundry Charges.

For subsistence of 4 European Frenchmen, 26 days, at 3 copings per day each - -	31	2	–
1 Caffree, 26 days, at ½ coping per day -	3	9	–
Paid a washerman for washing 27 pieces, at 2 pize per piece - - - - -	–	5	4
The tailor's bill for making clothes - -	12	–	–
Spanish dollars -	47	6	4

Prince of Wales Island, 4 Feb. 1793. (signed) *F. Light.*

MINUTE.—Resolved, That all the papers received from Mr. Light, with a copy of his letter, be sent to the governor of Pondicherry; and that Lieutenant Lowe be directed to proceed thither with the French brig, and deliver her up to the authority of the French government.

Resolved also, That the renegado Frenchman, called Abdullah, be delivered up a prisoner to the government of Pondicherry, and that Lieutenant Lowe be directed to apply to Monsieur Fonfreville, the governor, for payment of the sum incurred by the Company in fitting out the brig for the passage to Madras.

The Board remark, on the perusal of Mr. Light's letter, that Captain Gaudron, in the disposal of part of a cargo of rice in the northern Circars, some time last year, had received in exchange one hundred and eighty natives, all of whom had been clandestinely embarked, and were destined for slavery at the Isle of France, when the want of provisions, and the sufferings of those unhappy people, led to the fatal consequence which happened at Pedir. It were much to be wished, that some effectual steps could be fallen upon to put an end to the barbarous and inhuman traffic of slaves, and to check it if possible; it is resolved to draw the attention of the French governor to the above circumstances, and to express the confidence the Board have in his hearty co-operation to discourage, by every possible means, a commerce so repugnant to the feelings of humanity.

As it appears that the slaves were embarked at Bimlipatam, through the agency of Mr. Martins, a resident at that place, it is resolved to direct the chief and council at Vizagapatam, to discontinue the monthly allowance granted to him by the Company, and to apprehend his person, in case he should at any time be found within the limits of the Company's possessions under their authority.

Agreed, That copies of the paper be sent to Bombay, and that the attention of the Governor in council be drawn to the conduct of Captain Wass, commanding the Futtah Isslaum, and of Nauly Cossam, the noquedah, who appears to have been concerned in the purchase of the brig, though acquainted with the circumstances by which she fell into the hands of the Malays.

Dispatched the following letters from Sir Charles Oakeley, Baronet, Governor in council, to the Honourable Major General Abercromby, Governor in council at Bombay, 19th February 1793.

Honourable Sir:—Having received from the Governor of the Company's possessions on the Prince of Wales Island, a circumstantial detail of the piratical seizure of a French brig on the coast of Pedir, and the means by which she was retaken, we do ourselves the honour of forwarding for your information, copies of the papers transmitted to us by Mr. Light. Diary 19th.

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We have directed Lieutenant Lowes, who is in charge of the brig, to proceed with her to Pondicherry, and deliver her up to the governor of that settlement.

We beg leave to draw your attention to the conduct of Captain Wass, commanding the Futtah Isslaum, and of Nauly Cossam, the naquedah, who appears to have been concerned in the purchase of the brig, though acquainted with the circumstances by which she fell into the hands of the Malays.

We have, &c.

(signed) *Charles Oakeley*, &c. Council,

Fort St. George, 19th February 1793.

From Sir Charles Oakeley, Bart. Governor in council at Fort St. George, to the Honourable Lieutenant Colonel De Fonfreville, Commandant of the French Settlements in India, Governor of Pondicherry, &c. &c. &c. 19th February 1793.

Honourable Sir:—Having received from the Governor of the Company's possessions in the Prince of Wales Island, a circumstantial detail of the piratical seizure of a French brig on the coast of Pedir, and the means by which she was retaken, I deem it essential to put you in possession of the facts which have come to my knowledge, and to this end have the honour to enclose the papers which have been transmitted to me.

I have directed Lieutenant Lowes, the officer in charge of the brig, to proceed with her to Pondicherry, and to deliver her up to the authority of your government, together with the renegado Frenchman, called Abdullah, who seems to have been very principally concerned, both in the murder of Captain Goudron and his mate, and in the act of cutting off the vessel.

I have also directed Lieutenant Lowe to lay before you, an account of the expenses incurred by the Company in fitting out the brig for the passage to Madras, and I request you will be so good as to give the necessary orders for the repayment of the amount.

You will perceive, Sir, on the perusal of Mr. Light's letter, that Captain Gaudron, in the disposal of part of a cargo of rice in the Northern Circars some time last year, had received in exchange 180 natives, all of whom had been clandestinely embarked, and were destined for slavery at the Isle of France, when the want of provisions, and the sufferings of those unhappy people, led to the fatal consequences which happened at Pedir. It were much to be wished, that some effectual steps could be fallen upon to put an end to the barbarous and inhuman traffic of slaves; and I rely with confidence, that you will most heartily co-operate with me, in discouraging by every possible means, a commerce so repugnant to the feelings of humanity.

I shall write to the government of Bombay, and explain the conduct of Captain Wass, commanding the Futtah Isslaum, and of Nanly Cossam, the naquedah, who appear to have been concerned in the purchase of the French brig, though acquainted with the circumstances by which she fell into the hands of the Malays.

I have, &c. (signed) *C. Oakeley*.

Fort St. George, 19th February 1793.

From W. C. Jackson, Esq. Secretary to Government, to Lieutenant Lowes, of the Bombay Marines, in charge of the French Brig, Jean Bass, 15th February 1793.

Sir:—I am directed by the Honourable the President in council, to desire you will proceed with the French brig, Jean Bass, to Pondicherry, and deliver her up to the order of that government. I enclose a letter for the governor, which you are desired to deliver on your arrival at Pondicherry.

The French renegado, called Abdullah, is to be surrendered a prisoner.

I transmit herewith an account of the expenses incurred in fitting out the French brig for the passage to Madras, and am directed to desire you will present the bills to the governor for the time being, and make application for the payment of the amount.

As soon as you have executed the above orders, you will return to Fort St. George.

I am, &c.

Fort St. George, 15th Feb. 1793. (signed) *H. C. Jackson*, Secretary.

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From Sir Charles Oakeley, Baronet, to John Chamier, Esq. Chief, &c. Council at Vizagapatam, 19th February 1793.

Gentlemen:—We herewith transmit copies of a deposition of the surgeon of a French brig that left Bimlipatam some time last year, with 180 natives on board as slaves, and it appearing thereby that those unfortunate persons were clandestinely embarked through the agency of Mr. Martins, resident at that place, we desire you will immediately discontinue the monthly allowance granted to him, and apprehend his person, in case he should at any time be found within the limits of the Company's possessions under your authority.

We are, &c.

(signed) *Charles Oakeley*, Council, &c.

Fort St. George, 19th February 1793.

Memorandum.—The French commandant expressed his most grateful acknowledgments for the interference of the British government in recovering the French brig, and directed the pirates to be brought to trial at Pondicherry.

An enquiry was also ordered into the conduct of Captain Wass, at Bombay.

Extract, Fort St. George Military and Political Consultations, 28th February 1793.

Diary.

Dispatched the following letter to the Honourable Jacob Eilbracht, Esq. Governor, &c. &c. Council at Pulicat.

Honourable Sir and Sirs:—We have the honour to transmit copy of a deposition of the surgeon of a French brig, that left Bimlipatam some time last year, with 180 natives on board as slaves; and it appearing thereby, that those unfortunate persons were embarked through the agency of Messrs. Martins and Benvit, residents at that place, we submit to you the propriety of marking your displeasure at a conduct so flagrant and unjustifiable, after the repeated orders issued by your government, as well as by us, positively interdicting so disgraceful a traffic.

For our own parts, we have resolved upon all occasions to discourage, by every means in our power, a commerce so repugnant to the feelings of humanity, and we rely with confidence that you are inspired with similar sentiments. We cannot indeed entertain the least doubt of your readiness to co-operate with us in putting an end to this evil, and nothing, in our opinion, can more effectually check it, than an exemplary punishment of those detected in the practice of it.

We have withdrawn the pension which had been hitherto granted by the Company to Mr. Martins, who was formerly in their service, and have directed that his person should be apprehended in case he should ever appear within the limits of our authority.

We have the honour to be, &c. &c.

Fort St. George, 26th February 1793.

(signed) *Charles Oakeley*, Council, &c.

Extract, Fort St. George Military and Political Consultations, 8th March 1793.

Diary.

Received the following letter.

To the Honourable Sir Charles Oakeley, Bart. Governor in Council of Fort St. George.

Honourable Sir and Sirs:—Favoured with your Honour's letter of the 26th inst., we cannot indeed emphatically enough express our indignation and aversion, with regard to so horrible an event as the exportation of 180 natives from Bimlipatam, as slaves, in a French brigantine bound to the French islands; which, however, according to the declaration that came inclosed, was surprized and taken at Pedir by the Malays, who killed all those that were on board of her, and did not escape out of their hands.

To shew how much the exportation of unhappy creatures merits our disgrace, we shall renew, in the strongest manner, our orders to our northern factories, to oppose such inhuman practice, not only in our subjects, but also with all possible diligence in strangers, in case they should think our territory a safe place for it, with a charge to deliver the unhappy creatures out of the hands of those who will not desist, but are refractory, either by good or forcible means, and to send them to one of your agents there, for the protection of their liberty, and the benefit of their support.

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We feel the propriety of your Honour's resolution, that such kidnapping may be prevented, to check it with exemplary punishment, and in case any of our subjects transgress the orders instituted against it, they shall be seized and delivered over o the justice, to be punished according to the exigency of the case.

We have the honour to be, with the profoundest respect, &c.

(signed) *Jacob Eilbracht.* *Jm. Jm. Hasz.*
J. J. Winckelman. *Js. Fs. Cantervischer.*
Fk. Wm. Bloeme.

Extract, Fort St. George Public Consultations, 25th September 1793.

To the Honourable Sir Charles Oakeley, Bart. Governor in Council, Fort St. George.

Honourable Sir:—We beg leave to lay before you an address from Mr. Martin, at Bimlipatam, which he forwarded under cover to our chief, with a request that it might be transmitted to government.

We have the honour to be, with the greatest respect, Honourable Sir, your most obedient humble servants,

(signed) *John Chamier.* *A. W. Gregory.* *John Snow.*

Vizagapatam, 15th Sept. 1793.

To the Honourable Sir Charles Oakeley, Bart., President, Governor of Madras, &c. Council.

Honourable Sir and Sirs:—When every people bless the English government, shall I be the alone unhappy under it; I who exposed my life and fortune to favour its success, viz. the records of 1766 and 1767, &c.; your Honour may see, by the inclosed order, that I have never been disgraced since that time. Ten certificates in my possession will prove my character; your Honour punished me for a crime I never committed; if my son contracted for slaves with other Frenchmen, the faults are personal, why shall I suffer for it; besides, there were no prohibition here for that commerce, and no law can have a retrospective power.

I am starving; confined in this village, where I cannot put my talents in exertion, how can I live? Even criminals are entitled to a daily subsistence. I humbly beg your honour to consider my case; it should be very hard, at sixty years of age, and twenty-five into the service, if I was compelled to go in foreign country to beg a bit of bread with a surgeon's commission in my pocket; yet I have no other way to live, if your Honour gives me no remedy; however, if I am doomed to do so, after ten years of every kind of misfortunes, it shall be the complement. Then, if your Honour's charity forget me, I beg to have a passport to go where I can get bread; I really cannot remain longer confined without a subsistence.

I have the honour to be, with the most profound respect, Honourable Sir and Sirs, your most obedient and most humble servant,

Bimlipatam, 13th Sept. 1793. (signed) *J. Martin.*

(Enclosure.)

The Honourable the President and select committee, having directed Mr. Martin, the surgeon at Asker, shall remove, and remain at Bimlipatam during the present war with France, you are therefore required to signify to him their pleasure respecting such removal; and that it is an act of necessity, and not meant to reflect disgrace upon his character; his pay will be continued to him, and he is accordingly authorized to draw it in future from the factory of Vizagapatam.

(A true copy.) (signed) *M. Williams.* *R. Maunsell.* *T. Oakes.*
29th August 1778.

[No Minute on the foregoing papers.]

Extract of a Letter in the Political Department, from the Court of Directors to the Governor and Council of Fort St. George, dated 19th Feb. 1794.

Letter from, dated 2d May 1793 (41 a 46.). Recovery of a French Brig that had been piratically seized.

42.—We approve of your proceedings relative to the piratical seizure of the French brig. The circumstances respecting the natives of Ganjam, to the number of 180, being clandestinely embarked at the Dutch settlement of Bimlipatam, destined

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destined for slavery at the Isle of France, has filled us with the deepest concern. We rely upon the continuance of your exertions for putting an end to a practice which is so repugnant to every feeling of humanity and justice. We observe, by your consultations of the 1st of April last, that the government of Bombay have ordered an inquiry to be made into the conduct of the commander and noqueda of the Surat ship, Futty Islaum, who appear to have been the purchasers of the French brig, though they were previously acquainted with the circumstances by which she fell into the hands of the Malays, but we have not yet been advised of the result. We likewise observe upon the proceedings the names of Captain Macalister and Captain Caird, as being the purchasers from the Malays of the stores belonging to the French brig. We know not to what presidency these persons belong, but the strictest inquiry must be made into their conduct, for having made such purchases under circumstances which no plea can possibly justify.

An EXTRACT from the Fort St. George Public Consultations, the 29th August 1794, relative to a charge of Pagodas 124. 32. defrayed by the Company, for the maintenance, &c. of Seven Girls who were released from Slavery by the Sitting Magistrate of Fort St. George, and returned to their families at Ongole.

Extract Fort St. George Public Consultations; 29th August 1794.

The secretary lays before the board an account of the maintenance, clothing, &c. of seven girls, whom the sitting magistrate had ordered, upon their being offered for sale, to be returned to their families at Ongole.

Ordered, That the amount, being 124. 32. Pagodas, be discharged by the civil paymaster general.

PAPERS relative to a Claim upon the East India Company, preferred by the Captors of the Molucca Islands, for the value of certain Government Slaves, found attached to the Parks of Nutmegs, when those Islands were conquered in the year 1801.

Extract of a Letter in the Public Department, from the Governor in Council of Fort St. George to the Court of Directors; dated 15th October 1801. Cons. 8th Sept. Diary to Cons. 11th Sept.

Par. 256.—The agents for the captors of the Molucca Islands having presented an unexpected demand on the Company, for the value of the slaves found to be attached to the Parks of Nutmegs, at the time of the conquest of those Islands, we have appointed the accountant general and the deputy military auditor general, to be a committee for the investigation of the claim.

Extract Fort St. George Military Consultations; 8th September 1801.

Read the following Letter from the agents and substituted attorney of Lord Keith.

To the Right honourable Lord Clive, Governor in Council, &c. &c. &c.

My Lord:—The property and papers belonging to the prize concerns of Amboyna and Banda, having been placed under our charge by Lord Keith, and as we are, in consequence, extremely anxious to bring all the accounts of those islands to a conclusion, we have the honour to furnish you with Mr. Farquhar's return, No. 1. of the Park slaves belonging to the captors of the island of Banda, on each respective Park, on the 8th March 1796, being males and females 1713, and No. 2. a return of those on the island of Amboyna, 17th February 1796, also the property of the captors.

No. 8.—Is our account against the honourable Company on behalf of the captors for these claims, and which we trust your Lordship will order to be discharged; the slaves being estimated at the same price the Company paid for those found in the Fort of Bandernira. We have, &c. &c.

(signed) *Thomas Chase*, *John Chinnery*, } Agents and substituted attornies to Lord Keith.

Madras, 28th August 1801.

Resolved, That the accountant general and deputy military auditor general, be appointed a committee for the purpose of examining the above demand on the Company, and that a copy of the letter, with its enclosures, be transmitted to them accordingly.

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Diary.

Extract Fort St. George Military Consultations; 10th September 1801.

Sent the following letters to Robert Woolf, Esq. Accountant General, and Captain P. Bruce, Deputy Military Auditor General.

Gentlemen:—I am directed to acquaint you, the Right honourable the Governor in Council has been pleased to appoint you to be a committee for the purpose of examining the demand made in the enclosed letter, and its enclosures, on the Honourable Company, by the agent and substituted attorney of Lord Keith, on account of certain articles said to be purchased for the use of this government from the captors of the Molucca Islands.

I am, &c.

(signed) *J. Webbe*, Chief Secr to Govt.

Fort St. George, 10th Sept. 1801.

Extract Fort St. George Military Consultations; 22d December 1801.

Read the following report of the Committee appointed to investigate the claims preferred on the behalf of the captors of the Molucca Islands.

(Extract.)

Sir:—We have had the honour to receive your letter of 27th November, communicating to us the opinion of the Right honourable the Governor in Council, that he considers the slaves employed on the island of Banda are the property of the parkholders on that island, and that the captors of the Molucca Islands, connot consequently, have any claim against the Company on that account.

We have accordingly proceeded to examine into the other demands. The second preferred by the constituted attornies of Lord Keith, is for the price of 63 quarter slaves at Amboyna (as specified in the paper marked A.), charged at the rate of 50 rix-dollars each, amounting to 3,150 rix-dollars, or 1,575 star Pagodas; upon which we have to observe, that as this claim is not supported by any voucher or acknowledgment whatsoever, to shew that these slaves were the public property of the Dutch at the time of the capitulation, and had been delivered over by the captors or their agents to any of the Honourable Company's servants, warranted to receive them; we cannot, therefore, in consequence of this material point being unsubstantiated, take upon ourselves to recommend the discharging it.

We do ourselves the honour to return enclosed, the papers which accompanied the Chief Secretary's letter to us of 10th September last.

We have, &c.

(signed) *Rob. Wood.* *P. Bruce.*

Fort St. George, 15 Dec. 1801.

The following draft of a reply to Messrs. Chase and Co. is read and approved.

To Messrs. Chase, Chinnery and Mc Douall.

(Extract.)

The Right honourable the Governor in council having taken into consideration the report of a Committee, appointed by his Lordship in council to investigate the claims stated in your letter of the 28th August last, on the behalf of the captors of the Molucca Islands, I am directed to communicate to you his Lordship's determination on the different points.

As it appears from the information which has been stated to the Governor in council, with regard to the consideration of the slaves employed on the Island of Banda, that those slaves were the property of the individual parkholders on that island, his Lordship in council does not consider the captors to have any claim against the British Government on that account.

With respect to the claim for the value of slaves on the Island of Amboyna, amounting to 1,575 pagodas, as no documents have been produced to establish the fact of those slaves having been the property of the Dutch government, or of their having been transferred on the surrender of Amboyna to the charge of the representatives of the honourable Company, it is impossible for the Governor in council to pass a final decision on that claim, until it shall be established by more sufficient proof.

Fort St. George, 23d December 1801.

I am, &c.

(signed) *G. Buchan*, Secr to Govt.

Ordered, that Mr. Woolfe and Captain Bruce be informed that their proceedings have been approved.

Extract of a Letter from the Governor in Council of Fort St. George to the Court of Directors in the Military Department; dated 17th February 1802.

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Par. 60.—Your Honourable Court was informed, in our last dispatch, of the claim which had been preferred against the Company, on the behalf of the captors of the Molucca Islands, for property stated to have been captured on those Islands.

Par. 61.—At our consultation of the 22d December last, we took into consideration the report of the Committee, (consisting of the Accountant General and Deputy Military Auditor General), which we had appointed for the purpose of investigating the grounds of the demand, and we beg leave to refer your Honourable Court to our minutes, for the resolutions which we passed on the charges inserted in the account, amounting to the total sum of 46,582 : 21. star pagodas.

Par. 62.—The most material of those charges, was for the value of slaves employed on the island at Banda, estimated at 44,400 pagodas. But as it appeared from the information which we were enabled to obtain regarding the condition of h ose slaves, that they were considered not to be the property of the Dutch Government, but of the individual parkholders on Banda, we informed the agents for the captors, that we could not, under those circumstances, consider them to have any claim against the British Government on that account.

Extract of a Letter in the Military Department, from the Governor in Council of Fort St. George, to the Court of Directors; dated 17th October 1804.

Par. 370.—We had the honour of reporting in our letter from the Military Department, of the 17th February 1802, the result of an inquiry which had been instituted on the subject of a claim which had been preferred on behalf of the captors of the Molucca Islands, for the value of slaves employed in the spice plantations on the Island of Banda.

Par. 371.—Having received from the agent for the prize property taken at the Moluccas, a further representation on that subject, it has become necessary for us to re-assemble the committee formerly appointed for the investigation of the claim, and we have nominated the present Accountant General to be a member of the committee, in lieu of his predecessor in office.

Par. 372.—Your Honourable Court will observe, on referring to the agent's letter recorded in our minutes, that the revival of the application is founded on additional proof which he had not before produced, as it will rest with the committee which has been appointed, to report the extent to which they may consider that proof to be satisfactory; but you may be assured, that our decision on a case which will be liable to involve a considerable public expenditure, will be regulated with every practicable degree of caution.

Cons. 28th Aug.

Extract Fort St. George Military Consultations, 28th August 1804.

Read the following Letter from J. Chase, Esq. Agent for the prize property taken at the Moluccas, to the Right honourable Lord William Bentinck, Governor in Council, &c. &c., 20th August 1804.

My Lord:—The subject of my present address was submitted to government, by desire of Lord Keith, the trustee to the Crown for the prize booty of Amboyna and Banda, so far back as August 1801, since which period I have been endeavouring to obtain the most substantial documents in support of the claim I then instituted on behalf of the captors of those islands.

In order that your Lordship may not have the trouble of referring to your own proceedings on this occasion, I annex a copy of my first letter, with your secretary's answer, a copy of my letter of recent date, to his Excellency Admiral Rainier, and his answer thereto.

I solicit your Lordship's attention to my letter to Admiral Rainier, upon the subject of the slaves found on those islands, and as the arguments there stated are, in the Admiral's opinion (*vide* his letter) not to be disputed, and with the hope they will make the same impression upon your Lordship, I inclose the returns of the slaves, countersigned by the resident, accompanied with my bill for the value of them, which in behalf of the captors, I trust your Lordship will order to be discharged, with interest from the period the islands were taken from the Dutch; I have included

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cluded in the bill a small sum for brass weights, the property of the Dutch company at the time of capture, and delivered up by the captors to the Honourable Company's servants at the four stations at which they were found.

I have the honour to be, &c.
(signed) *T. Chase,*
Agent for Lord Keith for the capture of the Moluccas.

Madras, 20th August 1804.

From Messrs. Thomas Chase and John Chinnery, agents and substituted attornies to Lord Keith:

To the Right honourable Lord Clive, Governor in Council, &c. &c.
28th August 1801.

My Lord:—The property and papers belonging to the prize concerns of Amboyna and Banda having been placed under our charge by Lord Keith, and as we are in consequence extremely anxious to bring all the accounts of those islands to a conclusion, we have the honour to furnish you with Mr. Farquhar's return, N° 1. of the park slaves, belonging to the captors of the island of Banda, on each respective park, on the 8th March 1796, being males and females, 1,713, and N° 2. a return of those on the island of Amboyna, 17th February 1796, also the property of the captors.

N° 8.—Is our account against the Honourable Company, on behalf of the captors for these claims, and which we trust your Lordship will order to be discharged, the slaves being estimated at the same price the Company paid for those found in the Fort of Bandenna.

We have the honour to be, &c. &c.
(signed) *Thomas Chase, John Chinnery,*
Agents and substituted attornies to Lord Keith.

Madras, 28th August 1801.

From G. Buchan, Esq. Secretary to Government, to Messrs. Chase, Chinnery and M'Douall, dated 23d December 1804.

Gentlemen:—The Right honourable the Governor in council having taken into consideration the report of a committee appointed by his Lordship in council, to investigate the claims stated in your letter of the 28th August last, on the behalf of the captors of the Molucca Islands, I am directed to communicate to you his Lordship's determination on the different points.

As it appears from the information which has been stated to the Governor in council, with regard to the condition of the slaves employed on the island of Banda, that those slaves were the property of the individual parkholders on that island, his Lordship in council does not consider the captors to have any claim against the British government on that account.

With respect to the claim for the value of slaves on the Island of Amboyna, amounting to 1,575 Pagodas, as no documents have been produced to establish the fact of those slaves having been the property of the Dutch government, or of their having been transferred, on the surrender of Amboyna, to the charge of the representatives of the Honourable Company, it is impossible for the Governor in council to pass a final decision on that claim until it shall be established by more sufficient proof; and as the same doubt exists in regard to the claim for brass weights in store at Amboyna, valued at 1,036. 21. Star Pagodas; the Governor in council is also under the necessity of postponing a determination on that point.

I am, &c. &c.
(signed) *G. Buchan,* Secretary to Government.

Fort St. George, 23d December 1804.

(A true copy.) (signed) *T. Chase.*

From Thomas Chase, Esq. to His Excellency Vice Admiral Rainier, &c. &c. dated 5th July 1804.

Sir:—On Monday last I had the honour to converse with you upon the correspondence I have had with this government upon my claims on behalf of the captors of Amboyna and Banda, for payment for the slaves that were found upon those two islands when they were taken by the forces under your Excellency's command.

From

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From every information I can obtain, it appears that the committee appointed by government to investigate into my claims for the captors, did not seek for that communication it was in their power to obtain, or they never would have reported that the slaves at Banda were the property of the individual parkholders, and that in consequence of that report the government deemed the captors claim inadmissible.

I request your Excellency will honour me with your sentiments on that point, as I perceive in the 3d article between the English commissioners and those of the Batavian republic for giving up Banda, under date the 12th March 1803, that in conformity to the 13th article of the convention agreed upon by Colonel James Oliver, commanding the British forces at the Moluccas, and the commissioners on the part of the Batavian republic, as far as they are applicable to Banda and its dependencies, expressly stipulated to deliver over to the commissioners of the Batavian republic all the slaves that are in the "Honourable Company's quarters "and parks at Nura, Great Banda and Pulecay, at the rate of 25 rix-dollars per "head; that the park-keepers shall be called upon to declare, that the slaves men-"tioned in the lists they have given in, belong to their individual parks, and are the "property of the Honourable English East India Company."

A stronger circumstance cannot be produced, to substantiate the captors claims for payment for the slavés the English East India Company have sold and been paid for these slaves; and on my applying to Colonel Oliver to know why they were sold so cheap, his answer was, that two-thirds of the slaves at Banda were deemed by a committee worn out and superannuated, and children, and that from that circumstance Captain Kearsbury, one of the commissaries on behalf of the English, as given up at Banda, had reported to him, they could not fetch a higher price than 25 rix-dollars per head.

From the time of taking Banda to its restitution, these slaves were worn out in the service of the English Company, and it is but reasonable they should pay the captors what in my claim was deemed at the time a reasonable charge, 50 rix-dollars per head; and as I possess Mr. Farquhar's official acknowledgment and receipt for 1,713 slaves at Banda, and 63 at Amboyna, I shall, on being favoured with your sentiments about the property of the slaves, apply again to government for payment.

I have the honour to be, &c.

Madras, 5th July 1804. (signed) *Thos. Chase.*

(A true copy.) (signed) *T. Chase.*

From Peter Rainier, Esq. to Thomas Chase, Esq. 27th July 1804.

Sir:—In answer to your letter of 5th instant, respecting claims of the captors at the value of the Banda slaves at the capture of that island, I am of opinion it is incontestible, as they were actually the property of the Dutch company, and not the parkiniers, I have no documents to refer to concerning it, that I know of, having never conceived the captors claims could have been disputed; no stronger proof, however, could be adduced than the circumstance you have quoted of Colonel Oliver having received payment for all that were serviceable from the Dutch commissaries appointed to receive the island from that officer, in consequence of the Treaty of Amiens, who would have paid no regard to his demand of payment of the value of the slaves, if they had not been well assured they were the property of the Dutch company, and not the parkiniers, atthe surrender of that island, and its dependencies, of His Majesty's arms.

Should the Right honourable the President in council of Fort St. George still dispute the claims of the captors to the property in question, which is hardly to be credited, but from the inadvertence you have noticed, they may acquire the fullest information on the subject from Mr. Farquhar, one of their servants, at present Lieutenant Governor of Prince of Wales Island, a gentleman, who, during his residence at Banda as the Honourable Company's principal civil servant, and being well versed in the Dutch language, indefatigably exerted himself to become acquainted with all the regulations of the Dutch company at that island, and the rest of the Moluccas, as well from an attentive perusal of the records, as from conversing with the principal Dutch East India Company's servants on those points, then on the spot.

I remain, &c.

(signed) *Peter Rainier.*

Trident, Backbay, Trincomaley, 27th July 1804.

Ordered, in consequence, That the committee formerly appointed for the investigation of claims connected with the capture of the Molucca Islands, be re-assembled, and that they be furnished with the following instructions:—

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From G. Strachey, Esq. Secretary to Government, to Cecil Smith, Esq. and Captain P. Bruce, 29th August 1804.

Gentlemen:—The Right honourable the Governor in council having received from the agent of the prize property, taken at the Moluccas, a further representation on the subject of the slaves captured at Amboyna and Banda, it has become necessary for his Lordship in council to re-assemble the committee formerly appointed for the investigation of claims connected with the conquest of those islands, and to nominate the present accountant general to be a member of the committee, in lieu of his predecessor in office.

I am directed to transmit to you a copy of the application which has been received, and to desire that you will state your opinion, how far the claim advanced by Mr. Chase on behalf of his constituent, to the property in question, has been strengthened by the additional arguments adduced in support of it by that gentleman.

I am, &c.

(signed) *G. Strachey*, Secretary to Government.

Fort St. George, 29th August 1804.

Extract Fort St. George Military Consultations, 5th December 1804.

Read the following letter from the prize agents for the captors of the Molucca Islands.

To the Right honourable Lord William Bentinck, &c. &c. &c.

My Lord:—We had the honour of submitting to your Lordship's consideration, on the 20th August, the renewal of a claim upon government on behalf of the captors of the Molucca Islands, for the value of a number of slaves, the public property of the Dutch Company, when Banda last surrendered to the British forces, and which were subsequently considered and employed as such by the English resident there, although we have hitherto been unsuccessful in establishing this fact to the satisfaction of your Lordship in council, whereby the captors might be enabled to realize their proportion of the prize booty.

Our last appeal to your Lordship conveyed the opinion of his Excellency Vice Admiral Rainier on the subject, in whose apprehension there appeared to exist no doubt whatever, as to the fair pretensions of the captors, agreeably to the statement we had the honour of laying before government; but his Excellency, in his letter now in your Lordship's possession, has considered, if any uncertainty should be at all attached to the question, that Mr. Farquhar might be called upon for further elucidation of it, as being perfectly conversant with the circumstances of our application.

The arrival of Mr. Farquhar at Madras, has given us an opportunity of adding to the testimony of Admiral Rainier, and we take the liberty of inclosing (N° 1.) the copy of a letter we have addressed to that gentleman, with his original letter in reply to it (N° 2.), which we hope will be satisfactory to your Lordship in council, and that the claim, agreeably to the documents which are, we understand, now before a committee appointed to examine and report upon them, may have your Lordship's concurrence for liquidation.

We have, &c.

(signed) *Thomas Chase*, *John Chinnery*, } Prize Agents, and substituted Attornies to Lord Keith.

Madras, 26th November 1804.

To R. T. Farquhar, Esq. &c. &c. &c.

Sir:—In the year 1801 we had occasion to prefer a claim on the Right honourable the Governor in council, for the value of a considerable number of slaves remaining on the Island of Banda, when the Moluccas came into the possession of the British Government, and for which, being the acknowledged public property of the Dutch Company, the captors have thought themselves entitled to remuneration.

Since that period, we have repeated our application to the government for payment of the demand, under what we have considered the best documents towards an identification of these slaves as public property. Among them now before government is your own official return of their numbers received into the Company's employ.

Our last reference was accompanied by the copy of a letter we received from Admiral Rainier on the subject, of which we take leave to submit the original for your

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your inspection; and we apprehend, without your further opinion upon it, we shall not be enabled to realize the claim, to which the captors appear to have the fairest pretension.

We request the favour of you, under these circumstances, to state to us for the further information of the Right honourable the Governor in council, whether, from the observations of your government to the eastward, you do not consider the claim in question to be supported with propriety by the captors, and if in the affirmative, (in order that it be brought before the Right honourable the Governor in council in the most correct manner), whether, in your apprehension, the sum at which the slaves are rated, viz. 50 rix dollars each, is not a fair and moderate valuation for them.

We have, &c.

Madras, 23d Nov. 1804. (signed) *Thos Chase*, *Jno Chinnery*,
Prize Agents and substituted Att^ys to Lord Keith.

To John Chinnery, Esq.

Sir:—I have to acknowledge the receipt of your letter of yesterday's date, together with its enclosure.

The Banda slaves alluded to in that letter were the Dutch company's property, and were employed by the Dutch, and subsequently by the English government, in cultivating and curing the nutmeg trees and their produce.

The Dutch company would not have consented to pay for the slaves at the restitution of the islands, if there had existed a shadow of doubt even on the subject of their being public property.

I consider 50 rix-dollars a head for the Banda slaves, whom I frequently saw, and mustered while deputy resident at Banda, to be a very moderate valuation, and far below the expense of the purchase and transportation of those people from the different islands in the eastern seas to Banda.

Madras, 24th Nov. 1804. I have, &c.
(signed) *R. T. Farquhar.*

Resolved and ordered in consequence, that the following letter be dispatched.

To Cecil Smith, Esq. and Captain Bruce.

Gentlemen:—I am directed by the Right honourable the Governor in council to furnish, for your information and guidance, the enclosed copy of a letter from the agents for the captors of the Molucca Islands, containing a further representation in support of the claim already referred to your consideration, respecting the slaves taken at Banda.

Fort St. George, 6th Dec. 1804. I am, &c.
(signed) *G. Strachey*, Sec^y to Gov^t.

Extract, Fort St. George, Military Consultations; the 21st Dec. 1804.

Read the following letter from the Committee for investigating the claims of the captors of the Molucca Islands.

To the Chief Secretary to Government.

Sir:—We have the honour to acknowledge the receipt of your two letters of the 29th August and 6th December 1804, with their several enclosures, respecting the claims preferred by the agent of Lord Keith, &c.

2.—We delayed making our report upon the subject referred to us, as the arrival of Mr. Farquhar was daily looked for, from whom we have reason to expect the most accurate information upon this point.

3.—Upon the arrival of that gentleman, application was made to him, when he mentioned having received a similar application from the agents for the prize money, to whom he had given a written reply containing his opinion.

4.—The letter Mr. Farquhar alluded to was that (copy) which accompanied your letter of the 6th instant, and in which Mr. Farquhar unequivocally states it, as his opinion, that the slaves were considered as public property; thereby confirming the strong argument before used by the prize agent (and adverted to in Admiral Rainier's letter) of the Dutch commissary having accounted for them as public property when the islands were delivered up.

5.—The circumstance of their being considered as public or private property appeared to be the only question for discussion previous to reporting upon the claim;

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and as that point appears to us now clearly proved by the best information that can at present be obtained, we shall proceed to give our sentiments upon the other points.

6.—Mr. Farquhar's receipt appears for 1,713 slaves at Banda, specifying their sex, age, &c. and for 63 at Amboyna, all stated to be middle-aged.

7.—Upon reference to the former account current of the prize agents, it appears that slaves upon two of the parks included in the present charge, viz. those of Everts and Laulang, were paid for by government in the sum of 3,250 rix dollars, which must in consequence be deducted from the present demand.

8.—The same account exhibits a difference of rate in charging for the slaves who had arrived at what might be termed a middle age, and the children; the former being charged at 50 and the latter at 20 rix dollars only; we are of opinion a similar distinction should be observed in the present charge.

9.—In estimating what should be termed children, we have taken the age of ten and under, considering that slaves arrived at that age were likely to be, upon an average, as valuable a property as any which could be purchased.

10.—We are of opinion, that a further distinction should be made in price, viz. for those who were beyond a certain age; and that to allow for them the same as children, will be an equitable arrangement.

11.—In considering this point, we have thought the age of 50 and upwards, as a fair period of division between middle-aged and old.

12.—The slaves thus divided, should, we are of opinion, be classed under the denomination of young, middle-aged, and old.

13.—The division applies only to the slaves of Banda; those at Amboyna having, as we have before stated, all of them been acknowledged by Mr. Farquhar as middle-aged.

14.—We have a further objection to offer to the agents bill, viz. the rate of exchange, which they have made at 15 Spanish dollars per 10 pagodas, an exchange which might have been allowable to the eastward, where it was an object to procure money almost upon any terms, but which does not appear to us to have any foundation here, where the value of the Spanish dollar is 16 $\frac{3}{8}$ per 10 star pagodas, at which rate, we are of opinion, the present charge should be made.

15.—Receipts for brass weights appear only to the extent of 1,973$\frac{1}{2}$ lbs. instead of 2,073 lbs. making a difference of 99$\frac{1}{2}$ lbs.; we are of opinion, that the 1,973$\frac{1}{2}$ should be admitted, but as to the rate at which they are charged, we have no means of judging; the whole charge of weights however being but a trifle, it is not perhaps of much importance.

16.—Should the Right honourable the Governor in council approve of our suggestions, the amount due to the agent will stand as follows:

	R. D^{o}.
For 1,382 middle-aged Banda slaves, at 50 rix dollars each -	69,100
150 old Banda d°, - - - - - a' 20 d° - - -	3,000
181 young d° - - - - - - - a' d° - - -	3,620
Total - - - Rix dollars	75,720
Deduct for 77 slaves in the parks of Evert and Lautang at Banda, who have been paid for by the Honourable Company in the year 1798 - - - - - - - - - -	3,250
	72,470

1,636 slaves, amounting to rix dollars, at four rix dollars for three Spanish, are 54,352$\frac{1}{2}$ Spanish dollars, at 16. 8. per 10 pagodas, are - - star pagodas -	33,192	15	31
63 middle-aged Amboyna slaves, at 50 rix dollars each, are 3,150 rix dollars at d°, are 2,632$\frac{1}{2}$ Spanish dollars at d°, are - - - - - star pagodas -	1,442	31	33
1,973$\frac{1}{2}$ lbs. of brass weights, at 1 rix dollar each, are 1,973$\frac{1}{2}$ rix dollars at d°, 1,480 $\frac{3}{8}$ Spanish dollars at d° -	903	37	40
Star pagodas - - -	35,539	-	24

17.—The sum charged by the agent was 45,436.21 pagodas, making a difference with the above, of 9,897.20.56.

18.—We

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18.—We cannot close this report without noticing the remark in Mr. Chase's letter to Admiral Rainier, when, in stating the report of the former committee, he asserts, " that they did not seek for that communication it was in their power to obtain, or they never would have reported that the slaves upon the Island of Banda were the property of the individual park holders."

19.—On reference to the report of the former committee, under date 26 September 1801, we doubt not that it will appear evident to his Lordship in council, that they, in order to obtain information, availed themselves not only of every document furnished by the agent and constituted attorney of Lord Keith, but also examined Mr. Brounker, formerly secretary to Admiral Rainier, the person whom they considered as best able to give information on the point respecting the slaves at Banda being public or private property; and that upon mature consideration, they gave it as their opinion, that the former was not satisfactorily substantiated; but they did not report, as the constituted attorney has stated, that " the slaves upon the Island of Banda were the property of the individual park holders."

20.—We are of opinion if there were other sources of information tending to corroborate the claims of the agents, it was their duty to have produced them, and not that of the former committee to search after them. We are, &c.

Fort St. George, 15th Dec. 1804. (signed) *Cecil Smith.* *P. Bruce.*

Ordered in consequence, That the following letters be dispatched.

To the Accountant General and Civil Auditor.

Sir:—The committee appointed to investigate the claims preferred on the behalf of the captors of the Molucca Islands, having submitted their final report on the subject of the slaves, &c. captured at Amboyna and Banda; I am directed by the Governor in council to transmit to you, a copy of their report, and to desire that you will give authority for the payment to Messrs. Chase and Chinnery of the sum of star pags. 35,539. 0. 24. being the amount to which his Lordship considers the captors to be entitled.

I have, &c.

Fort St. George, 22d. Dec. 1804. *G. Buchan,* Chief Sec. to Gov^{t}.

To Messrs. Chase and Chinnery, Prize Agents, and substituted Attorney to Lord Keith.

Gentlemen:—The committee to whom it was deemed to be proper to refer the claim preferred by you, in your letters of the 20th August and 26th Nov. last, on account of the captors of the Molucca Islands, having submitted their final report; I have been directed by the Right honourable the Governor in council, to enclose a copy of that report for your information, to acquaint you, that his Lordship in council has been pleased to resolve, That the sum of star pagodas 35,539. 0. 24. shall be paid on the account of the captors, agreeably to the recommendation of the committee.

I am, &c.

(signed) *G. Buchan,* Chief Secretary to Government.

Fort St. George, 22d December 1804.

Extract, Fort St. George Military Consultations, the 22d January 1805.

Read the following letter from the agents for the captors of the Molucca Islands.

To the Chief Secretary to Government.

Sir:—We are favoured with your letter, enclosing the report of the committee upon our claim for payment on account of the captors for the slaves and brass weights taken at Amboyna and Banda; and informing us an issue of cash to the amount of their statement, pagodas 35,539. 0. 44. would be made accordingly, on application at the treasury.

We beg the favour of you, to represent to the Right honourable the Governor in council, that as the sum is acknowledged to be the property of the captors, we hope his Lordship will deem it equitable and reasonable to allow an interest upon that money from the date of our first application, 28th August 1801, to the day of payment; particularly as the delay that has intervened did not arise from our want of

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documents to substantiate the claim, but from the wish of the gentlemen forming the committee to examine into the justness of it, to have a personal interview with Mr. Farquhar, the Governor for the time being of the Moluccas.

We have, &c.

Madras, 5th January 1805. (signed) *Chase, Chinnery,* & *M'Dowal.*

Ordered, That the following reply be dispatched,

To Messrs. Chase & Co.

Gentlemen:—The Right honourable the Governor in council has taken into consideration your letter of the 5th instant, and having resolved that you are entitled to the claim which you have advanced for interest on the sum of star pagodas 35,539. 0. 44. acknowledged to be due to you on account of slaves and other public property captured at Amboyna and Banda; I am directed to inform you, that orders have been given to the accountant general, for authorizing interest on that sum, to be paid to you at the rate of 8 per cent. from the date of your application to the Governor in council, in the year 1801, to the present period. I am, &c.

(signed) *G. Strachey,* Sec. to Gov^t.

Fort St. George, 23d January 1805.

An Extract from a Letter addressed by R. Richards, Esq. Principal Collector at Tellicherry, to the Board of Revenue; dated the 31st August 1803, relative to the means of preventing a revival of the Slave Trade.

Extract from the Proceedings of the Board of Revenue at Fort St. George, dated 22d September 1803.

Extract of a Letter from R. Richards, Esq. Principal Collector at Tellicherry, to the Resident and Members of the Board of Revenue; dated 31st August 1803.

* See the Bombay Papers.

16.—Seventhly.—In the Custom-house regulations,* prepared by the joint Bengal and Bombay Commissioners, there is a "strict prohibition against the exportation of slaves. The penalty annexed to it, is a fine of 250 rupees for each offence, and the parties concerned prohibited carrying on any trade whatsoever, or the ship or vessel to which the said offenders belong, trading or obtaining a clearance until the fine be paid."

17.—The export slave trade, in former times, was principally encouraged and supported by the French and Dutch. If they ever return it will be revived, unless the most active and vigilant exertions are made to prevent it. Children were frequently stolen, and full grown persons carried off by force to be ultimately sold to the foreign traders above mentioned. The rights of humanity require that the punishment of such offences be always exemplary.

Papers relative to the Daerds, a description of slaves in Canara, and to their enlisting into the Company's military service; 1801.

Extract, Proceedings of the Board of Revenue at Fort St. George, the 20th August 1801.

Extract, Letter from J. G. Ravenshaw, Esq. Collector in the Southern Division of Canara, to W. Petrie, Esq. President, and Members of the Board of Revenue; dated 7th August 1801.

15th.—By far the greatest part of the slaves employed in agriculture are the Daerds, of and in the whole of whom there are various descriptions and properties; no order was ever given for their being included in the registers; the whole number of them, by the population statement, is 52,022, men, women, and children; of which number there are in the Baincoor talook, 5,894; the number belonging to every landlord shall hereafter, as desired, be entered in the registers. As the property of these people may be known to few, from there being few of the same caste in any other part of India, and as their customs may be deemed worthy of record, I shall here mention them. There are three distinctions; the Moondaul,

daul, Mogare or Magor, and Mavey Daerd; the two former differ from the latter in the way of food, thus,—neither of them will eat the flesh of a cow or bullock; or go near the place where one has died or been killed, till the carcase is removed; the Mavey Daerd, though he will not kill the animal, will eat its flesh after it is dead. If one dies at the house of a Moondaul or Mogare, a Mavey is sent for to remove the carcase. In the Moondaul and Mayer sects, property descends from uncle to nephew; a father gives up his children to their uncle. In the Mogare sects, property descends from father to son. A Mogare and Moondaul will eat together, though it is not common; if, however, they do, the form of taking away the dishes or pans they eat out of, washing and returning them clean to the party who gives the repast, is invariably observed. They never intermarry by consent; but if a Moondaul runs away with a Mogare, and marries or defiles her, the latter sect assemble, call on the Moondaul, and after reprimanding him for the crime he has committed, make him pay a fine for the offence, and give a repast to the whole party; when they have eat of which, the Mogare is considered as having relinquished her caste, and being made over to the Moondaul by it, to become a member of her husband's sect. Neither of these sects associate with the Mavey Deard.

Of the Moondaul Deard, in respect of service:—If a man goes to a landlord or other person, and says he wants to marry through his interests; if the person consents, he gives him from three to four pagodas to pay the expense of the ceremony; the Daerd, as soon as married, brings his wife to his landlord's house, and both are bound to serve him and his heirs as long as the husband lives. The landlord is considered as bound to give the man two cloths, each five cubits in length; and the woman two, each of eight cubits length, one to cover the lower and one the upper part of their frame, per annum; the estimated expense of which is one and a half rupees; the man is to receive one and a half, and the woman one hami of rice per diem, besides one mora of rice per annum between them; this last allowance is called " mogu." This couple have no claim over any children they may have born; they are the exclusive property of their uncle, but if he agrees to their remaining with their father till they are grown up, and their father consents to keep them, this may be done; and if, when grown up, their father's owners give the males money to marry, they are bound to serve him and his heirs as long as they live. If, however, their uncle does not agree to their remaining with their father when young, he takes them, and his master pays them according to the work they do. As to the daughters, if their uncle agrees they may remain with their father till some person comes with their uncle's consent to ask them in marriage, they are then given up, and bound to serve their husband's owner. In the event of the husband's death, his master has no right whatever over the mother and children, who become the property of, or for whom the children's uncle is bound to provide, and they are bound to serve his master if he has work for them. If a man wants to marry a second time, his master supplies him with money; in consideration, however, of this extra expense, he stops the " moger," or allowance of one mora of rice per annum. A man receives no daily allowance for himself and family during his master's harvest, but in lieu thereof, he gets an eleventh part of as much grain as is cut, threshed, and stacked, by the whole of them; when this work is done, they receive their daily subsistence as usual. This sect may be called a life property on the male side; they are never sold, though they sometimes mortgage themselves. If a man who has no owner is distressed for money, he will borrow of some person, whom he will agree to serve till he repays the amount; their owners may also mortgage them in the same way.

16.—Of the Mogare or Magor Daerds, in respect to service:—They are bought and sold, and thence they and their male heirs are bound to serve their master and his heirs for ever. Females remain with their fathers till married, after which his owner has no claim on them; they become the property of their husband's master. The average price of a man and his wife, if purchased together, is from four to five pagodas. The ceremony of purchasing them is this;—the buyee gives the buyer some water in a cocoa-nut, or some vessel, which, if the buyer is of an equal caste with him, he drinks off, and gives to the Daerd the rest; if not, he puts a small piece of earth in the water, and gives it the Deard, who drinks a little, and pours the rest on two trees, a cocoa-nut, and a jack, or situated on a small piece of land, which is pointed out to him at the time, and which he is assured is to be his property; thus the bargain is concluded. These Mogairs receive the same daily allowance of rice and cloth the Moondauls do, but they get no annual allowance, or " mogu;" the piece of land and the two trees they get is supposed

Sic. orig.

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supposed more than to equal this; and in addition to this, if their master can afford it, he frequently gives them a bullock. The owner pays only as many of the family as work for him. This sect are sometimes mortgaged, as well as sold.

16.—Of the Mauray Daerd, in respect to service:—If a person purchases a man and woman of this sect, and marries them together, they and their male heirs are bound to serve him and his heirs for ever; the purchaser pays the expense of the marriage. If the man dies, and the woman marries again, the children she may have by her new husband are all the property of her owner, by reason of his having purchased the woman; but he has no claim whatever on the new husband. In cases when these people are not purchased, but merely bind themselves to service, on account of some person having paid the expense of their marriages, as the Moondauls do, the same rules are observed as with them; but there are many of these sects, who belonging, or being as it were an appurtenant to an estate, are bought and sold therewith; they enjoy the same privileges and allowances as those of the same sects who are purchased without an estate. The landlord can neither sell or mortgage them, or can they, without the landlord's consent, mortgage themselves or children.

17.—Many of the foregoing cases, an owner is only bound to give daily subsistence to as many of the family of his Daerds as he employs; if he has more than he requires, he may lend them out to other people, who pay him the mogu, or annual allowance of one mora of rice, as a sort of quit-rent or acknowledgment that the Daerd he employs belongs to him. Daerds cannot go to work for another person without their owner's consent, and they are bound to return whenever he may have work for them. This, Gentlemen, is the result of an inquiry I was induced to make into the customs of the people, in consequence of many complaints having come before me, of Daerds being ill-treated by their masters. The little labour has been amply repaid, from a conscientiousness of my having done justice to many of them, which I should not have considered myself competent of doing, without a knowledge of their manners and services.

18.—Exclusive of the Daerds, there were another sect of slaves in Canara, though, I believe, many of them are now free. Under the Biddenore government, all illegitimate children, save those by dancing girls, were considered the property of the circar, which took possession of, and sold them as slaves, to any person who would purchase them; the number of this sort now is about 722; there are also many slaves imported from Arabia.

Extract Proceedings of the Board of Revenue, at Fort St. George, 31st August 1801.

Read the following letter from the Collector in the Southern Division of Canara.

Mr. George Garrow, Acting Secretary to the Board of Revenue.

Sir:—An evil is taking root in Canara, if the growth of which is not very soon checked, it will most materially affect the value of landed property, and the cultivation of the country.

2.—In my letter of the 8th instant to the Board, I had occasion to remark on and detail the several sects of, and services performed by the Daerds; by whom, and slaves of other sorts, nearly the whole cultivation of the country is carried on. An estate, indeed, without a property in some of these people, would be of little value, because day-labourers are not to be procured in this as in other countries.

3.—The questions I wish to submit to the Board, are, 1st. Whether it be politic to allow the Daerds, whom I shall call "conditional servants for life, or for ever," to enlist in any of the Company's corps; 2d. Whether there exists a right to recruit them; 3d. Whether it be politic to allow any description of slaves to enlist, without the consent of, or their owners getting some remuneration for the loss of their services.

4.—Several landlords of Canara having suffered considerable loss from their Daerds and slaves having enlisted without their consent, it is in their behalf I bring this subject to the notice of the Board. Slavery has been defined to be, "an obligation to labour for the benefit of the master, without the contract or consent of the servant, the master at the same time having the right to dispose of him by sale, or in any other way to make him the property of a third person." That sect of the Daerds, who are bought and sold, and who come nearest to the description of slaves, differ from them in the following respects: 1st. Their service is *conditional*; a master, at the time of purchase, agrees to give them the usual allowance of rice, cloth,

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cloth, &c.; if he fails, and refuses to do which, the Daerds are no longer bound to serve him, and can recover the balances of allowance due to them and their children. If the purchaser agrees to give the established allowances, the Daerds cannot refuse to enter his service; but if from any real cause, they have a dread of their man, the old master will generally, on being asked, keep them until he can get another purchaser. A master cannot make a traffic of them; that is, he cannot put them up to public sale, or transport them either by sea or land, to any place where there are not people of their own caste, as which is confined to Canara; they can never be sent out of the province; they can even refuse to be sold out of the manganny in which they are born and bred. Such is their strong and rooted attachment to the place of their nativity known, that no person ever thinks of purchasing and taking one away to a distant place, even in the country; it seldom indeed happens that they are ever bought or sold at more than twenty or thirty miles distance from the place of their birth. This sect of Daerds, therefore, and their children may, I conceive, be truly called "conditional servants for ever." Those of the Maurey Daerds, who are attached to estates, have the same privilege as those just mentioned, except, that in case of their landlord omitting to give them their regular allowance of rice, &c. they cannot quit his lands; but on making a complaint, they can recover their right, with damages. All other descriptions of Daerds are "con- "ditional servants on the male side for life;" and in no case have they, so long as their master feeds and clothes them according to usage, a right to leave his service. Slavery is objected to, as being contrary to the fundamental principles of morality, because both men and women, in that state it is said, are tempted to commit and excite others to crimes they would not do in a free state. Supposing even that the service of the Daerds could be construed slavery, which in my opinion it cannot, the same objection does not apply to it, because, with them, it is merely the custom of their caste; and they are in general more constant and attached to their wives and family, who live with them, than most other sects. So far, therefore, from conceiving there can be any radical objection made to this kind of service, I am of opinion it is productive of very important and political as well as moral good, and especially so, because it is one of the soundest and most necessary props to the support and even existence of that meritorious spirit of industry and agriculture, which the natives of Canara are so peculiarly possessed of.

5.—Concluding, therefore, that their right to the service of these people is good and legal, what would be the consequence of depriving them of it? Have we the right to do so? or, would it be politic if we had? Daerds being naturally petulant, and somewhat indolent, frequently quarrel with their masters on most trifling occurrences, and leave them for a few days; in this state, and in the height of resentment, several of them have enlisted, and their owners been unable to recover them. Unless some orders on this subject are given, when once they have entered the military service, they are gone, I may say, lost for ever; in that line they are of no real use whatever, and it spoils them for any other; because I am convinced, that people attached to their place of nativity as they are, will never leave the province, and scarce ever the place they enlisted at, with any corps, or on any account whatever, if they can possibly escape; though they may enlist, their wives and family still remain with their owners; and a certainty of all the prize money a soldier ever gained, would not, in my opinion, tempt them to leave them. A recent instance of the Bombay grenadier battalion, on its march hence to Sedashgur, losing, I believe, nearly all the recruits it got here, who were very numerous, confirms me in opinion, that no persons whatever, who have either land, or any property in land, or any other concern in the country, whether as a servant bound for life to a landlord, or as a slave, should ever be allowed to enlist; the only persons, indeed, on whom any dependence whatever, as soldiers, is to be placed, are the few remaining condacha and other peons, who were in Tippoo Sultan's service.

6.—If the recruiting of the Daerds or slaves, the property of the landlords, is allowed to be continued, it will be the cause of every possible mischief towards checking the prosperity of the country; it will afford those descriptions of people an asylum to fly to, whenever caprice or any trifling cause may tempt them to leave their master, who, as in that case they will never be able to command, to a certainty, hands to cultivate their estates, will foresee a train of new calamities coming upon them, which they were not *even* labouring under in the *late* government, and which all the advantages they have, or can gain by the present, will not recompense. The very fabric of their agricultural system will be undermined; if

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which be the case, their attachment cannot longer be depended on any more than can the troops raised by the property thus wrested from them.

7.—These reasons render the measure, in my humble opinion, in every respect impolitic, supposing even we have the right to follow it, which I very much doubt; and if that be the case, I conceive that every Daerd or other service person who has already enlisted, should be discharged; or if that should not be thought proper, that they should be legally purchased of their owners, and that no more hereafter should be allowed to enlist; but as they may do this under false titles, and their masters not know of it till some time afterwards, they should also, on the case being proved to me, be released.

8.—If this evil is to be checked at all, no time should be lost in so doing; for as there is an officer sent here from Bombay, purposely for recruiting, unless some orders are given to prevent it, I expect every landlord in Canara will be a loser in a very short time.

I am, Sir,

Your obedient servant,

Mangalore, 12th August 1801. (signed) *J. G. Ravenshaw*, Collector.

MINUTE.—The circumstances stated by the collector of the southern division of Canara, require, in the Board's opinion, particular consideration, he has represented that serious injury will be sustained by the landholders of Canara, if their slaves are permitted to enter the sepoy corps, and desert the lands which they and their progenitors had cultivated for many generations.

It is observed by Mr. Ravenshaw, that where these people do enlist, they seldom continue in the service, but almost invariably desert; in this point of view, it appears ineligible that they should be allowed to enter the corps; but as it may be considered beyond the province of the Board to discuss the propriety of this measure in a military point of view, or the policy of emancipating this class of people, they will only observe, that the encouraging these slaves thus to desert their masters, would be disturbing a property sanctioned to them by the usages of the country, and the ordinances of their law; and whilst it would be of no advantage to the army, it would be of considerable detriment to the revenue, for not only in Canara, but in several parts of India, it is this class of people who cultivate the soil, and on whose industry the landholder depends for the payment of the dues of the Sirkar, and for the means of his own support.

Agreed, therefore, to submit to government the propriety of interdicting those who are employed in Canara in engaging recruits, from taking these people into the sepoy corps; at present, the Board conclude, considerable numbers of men may be enlisted in the Carnatic, from among those employed by the late nabob.

Extract, Fort St. George Revenue Consultations, 18th September 1801.

Extract of a Letter from the Board of Revenue, to the Right honourable Edward Lord Clive, Governor in Council, dated 9th September 1801.

6.—The collector of the southern division of Canara, has called our attention to a circumstance, which in our minds, requires particular consideration; he has represented, that serious injury will be sustained by the landholders of Canara, if their slaves are permitted to enter the sepoys corps, and desert the lands which they and their progenitors had cultivated for many generations.

7.—It is observed by Mr. Ravenshaw, that when these people do enlist, they seldom continue in the service, but almost invariably desert; in this point of view, it appears to us ineligible, that they should be allowed to enter the corps; but as it may be considered beyond our province to discuss the propriety of this measure in a military point of view, or the policy of emancipating this class of people; we shall only observe, that the encouraging these slaves thus to desert their masters, would be disturbing a property sanctioned to them by the usages of the country, and the ordinances of their law; and whilst it would be of no advantage, as we imagine, to the army, it would be of considerable detriment to the revenue; for not only in Canara, but in several parts of India, it is this class of people who cultivate the soil, and on whose industry the landholder depends for the payment of the dues of the Sirkar, and for the means of his own support.

8.—We therefore submit to your Lordship, the propriety of interdicting those who are employed in Canara in engaging recruits, from taking these people into the sepoy corps; at present we conclude, considerable numbers of men may be enlisted in the Carnatic from among those employed by the late nabob.

Resolved

Resolved to inform the Board of Revenue, that the Board will hereafter take into consideration the question of the policy of permitting the slaves in Canara to enlist in the sepoy corps.

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Extract, Fort St. George Revenue Consultations, 19th September 1801.

Diary.

Extract of a Letter from the Governor in Council at Fort St. George, to William Petrie, Esq. President, &c. Members of the Board of Revenue; dated 19th September 1801.

7.—We shall take into consideration the question of the policy of permitting the slaves in Canara to enlist in the sepoy corps. 1866.

A. D. 1802.—Regulation II.

Extract from a Regulation for establishing and defining the jurisdiction of the Courts of Adawlut, or Courts of Judicature, for the trial of Civil Suits in the first instance, in the British Territories, immediately subject to the Presidency of Fort St. George.

Section 4.—All natives and other persons, not British subjects, are amenable to the jurisdiction of the Zillah courts.

Sec. 5.—The Zillah courts are empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, land, rents, revenues, debts, accounts, contracts, partnerships, marriage, caste, claims to damages for injuries, and generally of all suits and complaints of a civil nature, in which the defendant may come within any of the descriptions of persons mentioned in Section 4; provided the landed or other real property to which the suit or complaint may relate shall be situated, or in all other cases, the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall reside as a fixed inhabitant, within the limits of the Zillah over which their jurisdiction may extend.

A. D. 1802.—Regulation III.

Extract of a Regulation for receiving, trying and deciding Suits or Complaints, declared cognizable in the Courts of Adawlut established in the several Zillahs, immediately subject to the Presidency of Fort St. George.

Sec. 16.—First. In suits regarding succession, inheritance, marriage and caste, and all religious usages and institutions, the Mahomedan laws, with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the judges are to form their decisions. The Mahomedan and Hindoo law officers of the courts, are to attend to expound the law of their respective persuasions, in cases in which recourse may be required to be had to it.

A Regulation for modifying certain parts of the existing Regulations respecting the Duties leviable on imports and exports by sea, at the Port of Madras, and at the several Ports in the Provinces subject to the authority of the Government of Fort St. George. Passed by the Governor in council of Fort St. George, on the 14th April 1812.

Fort St. George, Regulation II. of 1812.

Sec. 18, clause 14.—The exportation of slaves from Malabar is hereby strictly prohibited. Persons by whom this rule may be infringed shall be liable to a fine of 250 rupees for each offence; and the parties concerned therein shall not be allowed to carry on any trade whatever, nor shall the ship or vessel to which the offenders may belong obtain a port clearance until the fine be paid.

Sec. 19.—The provisions of this regulation, as applicable to Malabar, shall be extended to the port and settlement of Cochin and its dependencies.

Papers relative to four Slaves imported at Calicut in 1810, and detained by the Acting Collector of Customs at that place.

Extract, Proceedings of the Board of Trade at Fort St. George, in the Custom Department; dated 8th November 1810.

Read the following letter from the Collector of Customs in Malabar.

To the President and Members of the Board of Trade.

Gentlemen:—1. I beg leave to submit for your information and instructions, the following statement:

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2.—On the night of 12th or 13th Kanny, Malabar month, five mapillas, by name, Obielcandel Amod Cutty, Amod Parrakandel Badduen, Carridden, Cunky Amod and Baneyambalata Moiden Cutty, inhabitants of Tellicherry, attempted at Parperangaddy to embark some goods from a place where no goods are allowed to be either exported or imported. Under the orders of the sheristadar of Tannore, under whose direction the customs of Parparangaddy also fall, the custom house kalkars stopped, and brought the smuggled merchandize to Tanore.

3.—On their arrival at Tanore, four persons who were with the mapillas, complained that they had been taken away against their consent, and that they were slaves to those mapillas, who had bought them and brought them from Quilon. A letter was written to that place, but no information could be procured respecting these people. The merchandize which was seized is of course confiscated, as by their being clandestinely embarked at an illegal hour, they fall under the head of smuggled goods.

4.—The chief object of this reference regards the unfortunate people who have been brought away from their country against their will, and wish to return to it. The importation of slaves into the province of Malabar has not been prohibited by any specific regulation; but as from the general spirit of the regulations of government, this species of traffic seems to be prohibited, I have refrained from delivering them up, and have to request the orders of your Board as to their final disposal. The depositions of the markans and peon, of the four slaves, of the mapillas themselves, and copies of letters from the sheristadar of Tanore accompany this (in N° 7.)

Calicut, 30th October 1810.

I have, &c.

(signed) *T. Warden*, Collector.

To the Assistant Custom Collector, E. R. Sullivan, Esq. Calicut.

Sir:—Agreeably to your orders of the 21st Kanny instant, (I received on the 22d d°) I have made inquiries of the four slaves stopped at the custom house, which were brought from Ceylon, by the Moplas of Tellicherry, whether they were formerly slaves or free; to which they have particularly answered, which I now beg leave to enclose for your information.

But, Sir, I most humbly beg leave to say, that since the day that these four persons have been stopped here, their owners have not given them expenses; I understand that they have gone to Calicut. It has obliged me to assist these four persons with expenses for these ten days together; therefore, Sir, I hope you will take into consideration, and permit me your leave,. that I may send to Calicut these four persons, as also the marcans and peon (if required) that stopped and brought to me these four persons.

I am, &c.

(signed) *M. Rodrigues*, Sheristadar.

Tanore, Sea Custom House, 7th October, 1810.

To the Assistant Custom Collector, E. R. Sullivan, Esq. Calicut.

Sir:—I now send in the markans, Poomy and Thumber, and Shack Amod. Respecting the information of the mapillas, I have inquired of the merchants here, but none of them have any knowledge of those people; and that neither they are related or concerned to those merchants correspondents at Tellicherry. Further, the merchants here suspect that those mapillas must have had some clandestine traffic, otherwise they should not have landed their things and the four persons, none are stopped here, at an open place very little distant from the custom house, and there to have hired another toney to come at midnight at the other end to take them; therefore the merchants suspect that those four persons and the things must have been intended for sale to the Arabs, whose vessels are about this time on this side, for the Arabs would set any price on those four persons. This is the information I have now collected from the merchants of this place.

I am, &c. (signed) *M. Rodrigues*, Sheristadar.

Tannore, Sea Custom House, 11th October 1810.

Deposition of Shack Mahomed and Tumba, sepoy and marcan of the Custom House at Tannore, dated 4th Tulam Malabar, year 986.

In the Malabar month 12 or 13 of Kañny, we do not recollect perfectly the day, the Koma markan, under the pretext of going to Quilandy for the purpose of fishing, brought his toney to the custom house for examination, and to be searched as usual,

usual; accordingly the custom house people searched the toney, and permitted it to go for fishing; but he, instead of going to Quilandy for that purpose, carried and kept the said toney in the south side of Parparangoddy, in a place where no goods are permitted to be imported or exported; when the poomy marcan knew this, he informed us, and we altogether went to the sheristadar, and told the particulars, who ordered us to proceed immediately to Parparangoddy to the place where the toney was kept, and to see whether any goods were smuggled, and should there be any, to seize and bring them to Tannore; therefore, we three persons together, went to some distance from the place where the toney was kept, and after midnight, a little after twelve o'clock, we observed that four trunks, one bundle of mats, and four slaves, were brought from the east to the beach, and put into the said toney; then they launched the toney into the sea; by this time we approached them, and seized the toney with these things, and put Thumben markan, and ordered him to proceed to Tannore. The other two, with the mapillas (owner of these goods), went by land to Tannore, and in our way these mapillas offered us a present, on condition that we should leave the toney and the goods, and put into our hands two surat rupees, and ten silver fanams; and we, instead of refusing it, received this money, and carried them all to Tannore, and informed the sheristadar of the circumstance, who ordered us to keep all these things, and the mapillas (owners of the goods) at the custom house, and to keep the said four rupees with us as a deposit until further order; and the contents of these trunks were unknown on that day.

(signed) *Shack Mahomed*, Sepoy, *Thumba*, Markan.

Information given by Birah, Salamatty, Ayapen and Biman; Tannore, Sea Custom House, 7th October 1810.

Birah, a woman of about eighteen years of age, of Tikenkolom, mopla caste, says, that about two months ago her mother desired her to go and live with Talicherykar Baddeon; and this Baddeon has brought her away to this side against her inclination.

Salamathy, a woman of about thirteen years of age, of Tekenholom Karmapally Deshom, of tier caste, says, that for distress of livelihood, her mother has kept her at a man's house of the Karmapally custom house, and this man has sold her to Talicherry Kar Amod.

Ayapen (now Mirjan), a boy of about eight years of age, of Kayakolyam, says, that he was sold by his father to Pokra Mopla, of Kayakolom; and Pokra has desired him to go with these Talicherry Kar Moplas.

Biman (now Amod), a boy of about seven years of age, of Kayakolum, tier caste, says, that about one month ago, Baddeon gave his mother two pagodas, and Baddeon carries him now to Tellicherry.

(A true copy.) (signed) *E. R. Sullivan*, Assistant Collector.

Deposition of Poomy Markan, of the Custom House at Tannore; dated 4th Tulam Malabar year 986.

The manchua boat, of Baddagarakarah Packy, was laden with different merchandize from Tannore, and she sailed to Cochin on her return to Tannore; the sheristadar directed me to go and search the said munchua, and see whether there were any goods on board; accordingly I went on board, and on examination of the boat, I found in the sand (which was in the place where they put the ballast), the mark of four trunks; I therefore asked the markan of the munchua where the trunks were, the marks of which were visible, who replied at first, that he had not brought any goods or trunks from Cochin; but as from the marks of the trunks, I suspected him, again saying, I will not believe what you say, because the marks of the trunks appear in the sand. He then privately told me, that he had embarked on board his munchua from the Cunjee Markar's Jarratengel, four trunks and four slaves, and landed them between Kuttay and Vakatta. I immediately reported this information to the sheristadar; afterwards, in the Malabar month, 12 or 13 Kanny (I do not recollect properly the day), the koma markan, under the pretext of going to Quilandy for fishing, brought his toney to the custom house, that it might be examined and searched as usual; the custom house people having searched it, permitted the toney to go for the purpose of fishing; but he, instead of going to Quilandy for that purpose, carried and kept the said toney on the south side of Parparangaddy, in a place where no goods are permitted to be imported or ex-

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ported; when this notice reached me, I thought that it must be some smuggling business, otherwise the koma markan could have no reason for keeping his toney at that place; I therefore reported this circumstance to the sheristadar, who ordered me, Thumba, markan and Shack Mahomed, sepoy, to proceed immediately to Perperangaddy to the place where the toney was, and to see whether any goods were being smuggled, and that if there should be any, that they were to be seized and brought to Tannore; therefore, we three persons together went to some distance from the place where the toney was kept, and after midnight, a little after 12 o'clock, we observed that four trunks were brought down to the beach, as also one bundle of mats and four slaves from the east, and were put into the said toney; they then launched the toney into the sea; at this time we approached them, and seized the toney with these things, and put Thumba, markan, on board, and ordered him to proceed to Tannore; and the remaining two of us, with the mapillas (owners of these goods) went by land to Tannore, and in our way, these mapillas offered us a present to leave their toney and the goods; and they put into our hands two Surat rupees and ten silver fanams, and we, instead of refusing, received this money, and carried them to Tannore, and informed the sheristadar of the circumstances, who ordered that we should keep all these things, and the mapillas (owners of the goods) at the custom house; and that I should keep the said four rupees as a deposit until further orders. I did not know on that day the contents of these trunks.

(signed) *Poomy*, Markan.

(A true translation.) (signed) *E. R. Sullivan*, Assistant Collector.

To E. R. Sullivan, Esq. Assistant Collector of Customs.

The humble Petition of Alulicandel Amod Cutty, Amod Parrakandel Badduen, Cariadden Cunky Amod, and Bancambalata Moiden Cutty, inhabitants of Tellicherry:

Most humbly sheweth,—Your Petitioners beg leave to represent to your Honour, that in the Malabar year 984, by order of Mr. Baber, your petitioners, with the troops that were going to Quilon with merchandize to sell in the camp, and now our fast days were approaching, and most of your petitioners were sick; on coming to your petitoners to take leave, the brother of Amod sent with your petitioners, a woman of his own house, to accompany his wife from Tellicherry to Quilon, under the protection of Amod Cutty. Secondly, a woman was at Quilon, with two children who happened to have the small pox, but as she had no person to maintain her, and to assist her in her dangerous distemper, she sent for one of your petitioners, viz. Amod, and desired him to expend some money, and to cure her of her disorder, and that she would repay the expenses incurred during her sickness, and that if she should happen to die, that he was to take her child in recompense, to be supported by the said Amod, one of your petitioners; therefore this family-child of the deceased, became the slave of Amod, and the other two male children were slaves of one of your petitioners, viz. Parrankandel Badduen. These two male children and the above-mentioned people, arrived together at Cochin, and all your petitioners goods were inspected at the custom house, and they paid the Honourable Company's customs for the following articles; viz. 36 China Chatty, one pot of Jagree, and one of the trunks of your petitioners; all these goods were embarked on board a Mangalese vessel, and delivered to the care of Aypen Chetty, who was desired to deliver them safe at the Tellicherry custom house, but as the bad weather came on, and as the vessel had not sufficient room, your petitioners, together with others, and with four trunks, embarked on another vessel; but the sickness of your petitioners being increased on the voyage, obliged your petitioners to land at the north side of the Ponang river. From thence your petitioners, with the other people, and the trunks, came by land to Parperangaddy, and there your petitioners stopped, as they could not procure coolies. At this time, a boatman came, and was asked by your petitioners, where he was going; he answered, that he was going to Cannanore; at this reply, your petitioners inquired if he would agree to take on board of his toney those goods, and the sick persons to be landed at the Tellicherry custom house, which proposal he accepted with great pleasure, and of his own consent; your Petitioners embarked on board with all their goods and people, and when about to sail, the custom house kalkars of Tannore, with some mucquas, came to your petitioners, and asked by what means these things were embarked on board the toney; to whom your petitioners replied, the goods were embarked on board the

toney,

toney, with the consent of the markan, and that they were to be landed at the Tellicherry custom house; at this answer, the kalkars and mucquas approached to your petitioners, and told your petitioners that they were thieves, and that the goods were smuggled, and struck your petitioners and the boat people, and pushed the two above-mentioned women and the two male children into the same toney, under the guard of one kalkar, and dispatched the toney to Tannore custom house. The remaining kalkars and mucquas, in conveying three of your petitioners by land to Tannore, also struck your petitioners in the road, and when asked the reasons for so doing, they prepared to bind your petitioners, and one of them came near and said to your petitioners, if you will now give us four pagodas, we six persons assure you, that we will not beat you, and will not tie you as we intended; as your petitioners therefore were unable to support their beatings and injuries longer, your petitioners were obliged to deliver them two star pagodas, two surat rupees, and ten silver fanams; on receiving this money, they put a stop to their design, and without further molestation in the road, they conveyed your petitioners to Tannore, and two of them directed your petitioners to stop at a house belonging to a murgna at Tannore, under the guard of the remainder kalkars, and then went away; but as they did not return soon, after we had staid two hours there, the remaining kalkars conveyed your petitioners to the house of the canakapilla or to the sheristadar of the custom house at Tannore, who ordered that your petitioners should be put into confinement, which the kalkars accordingly did. The next morning, about seven o'clock, the kanakapella or sheristadar came to the custom house, and called your petitioners from their confinement, and questioned your petitioners, how your petitioners had found these women, children, and the trunks, when your petitioners, informed of all the circumstances; he then desired the trunks to be opened, that they might be inspected; but your petitioners replied, that the trunks belonged to some other people who were coming behind, and that the key of these trunks was with them; when he heard this, he sent for a blacksmith, and desired him to break open the locks of these trunks, and accordingly this was done, and the contents therein were inspected. He ordered, that your petitioners should again be put into confinement, but your petitioners on hearing this second order, begged immediately for money, stating that most of your petitioners were sick, and requesting that they might be permitted to go and eat; this was not allowed, and as one of your petitioners, namely Amod Cutty, was very ill, and in a bad situation, we requested again very much that it might be permitted him to go and take some refreshment; but he, the sheristadar, instead of complying with the request of your petitioners, said, that all your petitioners were thieves, and that he should not permit your petitioners to go, and ordered that your petitioners should again be beat, and put into confinement. After some time, he directed two kalkars to carry your petitioners to the cutwal's cutchery. The cutwal ordered some other kalkars to convey your petitioners to the daroga of Betul Puddiangaddy, to ask his permission for your petitioners to go and take their victuals, but the daroga, instead of doing so, ordered your petitioners to go away, and would not put your petitioners into confinement, without a regular complaint being preferred against your petitioners. Therefore now your petitioners request your Honor's mercy, and beg to send for these people and goods, that they may attest the case, and by doing this, your petitioners will be greatly obliged.

(A true translation.) (signed) *E. R. Sullivan,* Assistant Collector.

Translation of a Letter from Salvador Vaz, the Custom House Moopah at Quilon, dated 17th October 1810, to Julian Martins Boss, Revenue Clerk at Cochin, in reply to his Letter, dated 11th October 1810.

I have received your letter, with the inclosures, from Tannore custom house sheristadar; and, according to your desire, I have inquired in the district of Quilon about the particulars therein mentioned, but no one has any knowledge of the circumstance; but should you wish to know properly on this subject, you should write to the head minister of Travancore rajah, and in the mean time I beg to say, that the Karyernapatty Derham lies four leagues north, and the Kaycollim Derham lies six leagues north from Quilon; also return you herewith the two enclosed papers.

(signed) *Salvador Vaz,* Custom Moopah.

(A true translation.) (signed) *E. R. Sullivan.*

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Information given by Birah, woman, brought over from Ceylon by Moplas of Tellicherry.

Tannore Custom House, 25th Oct. 1810.

When the northern moplas brought me away from Ceylon in a toney, four trunks were also put on board of that tony; after six days we arrived at Cochin, and there landed; after our arrival there, stayed four days; from thence the northern moplas hired a tony, in which the four trunks, the three children that are now here with me, and myself, were put on board that tony, and we came and landed at Jarrathinkel, and performed the Nerrach ceremony. After mid-day, we were put in another tony of Tannore; in that we came here, and landed at the markan's house in Tannore that day, and the next we stayed; and on the third day we were taken by land to Parparangaddy; went to a house, and after supper we had a nap. Afterwards, about midnight, we were called and roused, and all of us went to go in the tony. These four trunks were put in the tony, but at the time when we were to go in the tony, Company's people came and seized those four trunks that were shipped in the tony, and they stopped us also under the Company's oath, and then we were brought away here. Further, I beg that I may be protected, and sent to my parents in my country.

(A true translation.) (signed) *E. R. Sullivan*, Assistant Collector.

Information given by Eddakaddawatha Ussen's son, Kootyamoo, markan of the tony belonging to Manaportho Pahy, Tannore Custom House, 14 Kany 986 M. S. or 28th September 1810.

When the aforesaid tony was returning from Cochin to Tannore, on the south side of Cochin, at the beach of Pathia Jarra, came there mopillas of Tellicherry, named Buddeon and Amod, and four more persons with four slaves and four trunks to put on board of my tony, and to come here; but the four persons proceeded on by land. The four trunks and the slaves were put in my tony, which Buddoen and Amod have freighted, and they came also in it. On the 12th Kany, 26th September, in the evening before sun-set, we arrived at the south side of Pakoatparony, when the aforesaid persons desired and pressed me to land them on that open spot, which I have done, and they paid me four rupees freight. Afterwards, I informed this news to the custom house markam Poomy.

(A true copy.) (signed) *E. R. Sullivan*, Assistant Collector.

Ordered, That the following letter be in consequence dispatched to the acting chief secretary to government.

To the Acting Chief Secretary to Government, Fort St. George.

Sir:—I am directed by the president and members of the Board of Trade to request that you will lay before the Honourable the Governor in council the accompanying original letter, with its enclosures, from the acting collector of customs in the province of Malabar, reporting the seizure of four trunks of goods belonging to certain merchants of Tellicherry, which they had attempted to smuggle, and which have in consequence been confiscated by the collector.

It further appears, that four slaves were taken at the same time; the slaves have been detained by Mr. Warden, and as they have stated that they were taken away from Quilon by force, and wish to be sent back, the Board beg leave to recommend that the collector may be authorized to comply with their wishes.

Fort St. George, 9th Nov. 1810. I have, &c.

(signed) *J. Gwatkin*, Secretary.

Extract Fort St. George Public Consultations, 13th Nov. 1810.

Read the following Letter from the Secretary to the Board of Trade.

To the Acting Chief Secretary to Government at Fort St. George.

Sir:—I am directed by the president and members of the Board of Trade to request, that you will lay before the Honourable the Governor in council the accompanying original letter, with its enclosures, from the acting collector of customs in the province of Malabar, reporting the seizure of four trunks of goods belonging to

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to certain merchants of Tellicherry, which they had attempted to smuggle, and which have in consequence been confiscated by the collector.

2.—It further appears, that four slaves were taken at the same time; the slaves have been detained by Mr. Warden; and as they have stated that they were taken away from Quilon by force, and wish to be sent back, the Board beg leave to recommend that the collector may be authorized to comply with their wishes.

Fort St. George, 9th Nov. 1810. I have, &c.

(signed) *J. Gwatkin*, Secretary.

Extract of a Letter from Mr. Secretary Thackeray, to the President and Members of the Board of Trade; dated 13th Nov. 1810.

I am directed to acknowledge the receipt of your secretary's letter of the 9th instant, and to acquaint you, that the collector of Malabar has no authority to interfere between the slaves and their masters. The collector should be desired to refer them to the magistrates, if they have any complaints against the persons who call themselves their masters.

Although the exportation and importation of slaves as a traffic be prohibited, domestic slavery is recognized by the usage of the country, and the Mahomedan and Hindoo laws, and has never been abolished by the British government.

ORDERS issued by the Court of Directors in 1811, for an Inquiry respecting some Slaves, who had been found concealed on board one of the Company's Ships, with the proceedings of the Governor in Council of Fort St. George thereupon.

Extract of a Letter from the Court of Directors to the Governor in Council of Fort St. George, in the Public Department, dated 18th Dec. 1811.

5.—Two slaves having been found on board the Sir Stephen Lushington, on the day after her departure from the Isle of France, who the commander has stated were thence carried to your presidency, and left there, we have to desire, as Captain Hay has not furnished us with any document to shew they were delivered to any officer of government, and as the circumstance is not noticed to us by you, that you will acquaint us, by the earliest opportunity, whether these persons were returned to the Isle of France, or in what way they were disposed of; and further, that you will state, if any, and what expense was incurred on their account, with a view to our charging the amount to Captain Hay.

Extract of a Letter from the Governor in Council of Fort St. George, to the Court of Directors, in the Public Department, dated 17th Oct 1812.

Letter from the Court, dated 18th December 1811, 5. Information to be furnished respecting two slaves brought from the Isle of France on the Lushington.

46.—The endeavours made to obtain intelligence respecting the two slaves, stated to have been landed from the Honourable Company's extra ship Sir Stephen Lushington, as will be seen from the letter from the Marine Board, noted in the margin, did not prove successful; but it was ascertained that no expense had been incurred by the Company on their account.

Extract Fort St. George Public Consultations, 23d June 1812.

The Board now proceed to pass orders upon the general letter from England, dated the 16th December 1811.

(Extract.)

5th.—Information to be furnished respecting two slaves brought from the Isle of France, on the Lushington.	Resolved, That the Marine Board be instructed to furnish the information called for by the Honourable Court.

Extract Fort St. George Public Consultations, 17th July 1812.

Read the following letter from the Secretary to the Marine Board.

To the Chief Secretary to Government at Fort St. George.

Sir;—I am directed by the president and members of the Marine Board to report, for the information of the Honourable the Governor in council, that the master attendant has not been able to obtain intelligence of the two slaves, stated in the 5th paragraph of the general letter from England, under date 18th December 1811, to

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have been landed at this presidency, from the Honourable Company's extra ship Sir Stephen Lushington.

Par. 2.—I am directed to inclose copy of a letter from the master attendant, observing that no expense has been incurred by the Honourable Company on account of those slaves.

I have the honour to be, &c.

Fort St. George, 15th July 1812. (signed) *J. Gwatkin*, Secretary.

To Thomas Oakes, Esq. President, and Members of the Board of Trade.

Gentlemen:—In reply to your orders, 3d instant, I cannot by any means discover tidings of the two slaves, landed from the Sir Stephen Lushington on her return from the Mauritius; and since Captain Hay did not report them, it would now be impossible, for want of some clue, to trace them. All that I can observe is, that no expense whatever has been entailed on the Honourable Company on account of any such persons.

I am, &c.

(signed) *R. Anderson*, Master Attendant.

Fort St. George, 6th July 1812.

(A true copy.) (signed) *J. Gwatkin*, Secretary.

Resolved, That the foregoing communication be brought to the notice of the Court of Directors.

PAPERS relative to a Traffic in kidnapped Children from Tellicherry and Cochin, reported by the Magistrate of North Malabar (Mr. Baber), to have been carried on for the Supply of a Pepper Plantation, at Rhandaterra, with Slaves; and to the Means employed for the Suppression of the said Traffic, and Punishment of the Parties concerned in it: 1811—1814.

Extract of a Letter from the Governor in Council of Fort St. George to the Court of Directors in the Judicial Department, dated 5th March 1813.

	Cons.	31 March	1,296 a'	1,877.
		29 May	2,672 a'	2,851.
		31 July	3,962 a'	3,971.
	Dr to Cons.	14 Aug.		
Lieut. Brown's conduct towards Mr. Baber.	Cons.	11 Sept.	4,378 a'	88.
	"	23 Oct.	4,873 a'	4,912.
	"	30 Oct.	5,188 a'	93.
	"	20 Nov.	5,509 a'	5,519.
	"	1 Dec.	5,613 a'	47.
	Dr "	4 Dec.	5,693 a'	6.
	My Cons	8 Dec.	16,436 a'	52.
About Brown & Co.	Cons.	22 Dec.	5.	
	"	22 Jan.	1813.	

92.—A traffic in slaves from Travancore into Malabar, having been discovered to have been carried on to a considerable extent, the judge and magistrate in Zillah North Malabar adopted such measures as seemed proper under the existing laws and regulations for giving freedom to or restoring to their proper owners, such of the persons found in slavery as had been stolen, and for bringing to punishment the persons concerned in carrying on that nefarious traffic; and we beg leave to refer your Honourable Court to our proceedings noted in the margin, for particular information with regard to the proceedings of the judge and magistrate.

93.—The advocate general, on the occasion of stating his opinion on a reference made to him on the subject of some slaves found on the plantation of Mr. Brown at Anjaracandy in Malabar, having observed that he thought it a proper measure for the government to publish throughout the provinces under its authority, the substance of the statute 51 Geo. 3. c. 23. passed on the 14th May 1811, for rendering more effectual an Act made in the forty-seventh year of his Majesty's reign, entitled, an Act for the Abolition of the Slave Trade, which, in the opinion of the advocate general, applies in all its consequences and penalties to all persons residing within the King's or Company's territories, including therefore the native subjects of this government, we requested to be favoured with the directions of the Right Honourable the Governor General in council, as to the propriety of giving full effect to the statute, and the manner in which it should be made public.

94.—As it had not been considered necessary to state to the supreme government the exact nature of the traffic in slaves carried on from Travancore, the Governor General in council was of course precluded from forming a judgment, whether the traffic carried on from Travancore fell within the purview of the Act. With respect, therefore, to that particular point, his Lordship in council could only observe, that he did not consider the provisions of the Act in question applicable to the importation or removal of slaves by land. It having been deemed proper, however, to consider maturely the course of measures which should be pursued by the local governments

of

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of this country, with respect to the above-mentioned statute, we were informed, that the Governor General in council had adopted certain resolutions on that subject to the following purport.

95.—The provisions of the Act being highly penal in their operation, and its object highly important, the Governor General in council had considered it proper to order a copy of it to be published in the Calcutta Gazette for general information.

96.—In like manner, we were informed, that his Lordship in council had directed copies of the Act to be forwarded to the local governments of Bombay, Java, of Prince of Wales Island, of Mauritius, of Ceylon, and the residents at the Moluccas, and at Fort Marlbro'.

97.— On the same principle, we were informed, that copies of the statute would be forwarded to the magistrates of Chittagong and Cuttack (the only sea-ports excepting Calcutta, in Bengal), in order, that in their capacity of justices of the peace, under the law of England, they might aid in enforcing the provisions of the statute. We were also informed, that inquiries would be made, with a view of ascertaining whether the provisions of the regulation which we were aware had some time ago been passed by the Governor General in council, for preventing the importation of slaves from foreign countries, had been effectual in preventing that species of traffic; and if not, that a further regulation would be passed without loss of time, establishing severer penalties for the infringement of the prohibition of the importation of slaves from foreign countries, in conformity to the spirit of the statute, to which the foregoing remarks alluded. In like manner the Governor General in council recommended, that a regulation should be passed at Fort St. George, for preventing the importation of slaves by land into the territories subject to this presidency, under such penalties as we might deem fully adequate to the prevention of that traffic.

98.—The foregoing remarks would, it was presumed, inform us sufficiently of the construction annexed by the Governor General in council to the Act of the 51st Geo. 3. c. 23. and of the measures which it had been judged necessary to adopt at Fort William. It was considered scarcely necessary to add, that his Lordship in council was of opinion, that similar measures should be adopted by this government, with such modifications as local circumstances might suggest, without; of course, departing from the principle on which the measures above detailed were founded.

99.—Having called upon the advocate general to state what measures it might appear to him incumbent on us to adopt, in consequence of the provisions of the statute, and the orders of the supreme government, Mr. Anstruther stated, that the statute 51 Geo. 3. c. 23. expressly extends to all persons residing within the Company's territories, against all of whom the penalties of felony are enacted for bringing slaves into these territories; if, therefore, the courts of judicature here had led the provincial courts to notice and act upon British statutes (as they are bound to do, in strictness of law, where these statutes apply to them); and if the natives had also been accustomed to look to the British Parliament for legislation, nothing would be requisite to be done by any local authority, the law being already in force.

100.—But as the provincial courts and the suitors are accustomed to laws published by the authority of this government, the advocate general thought it would be advisable and proper, for the sake of uniformity, to publish this also, either stating it to be the promulgation of a law already in force by the authority of the King in Parliament, or merely enacting the same provisions in the form of a regulation of this government, which by the same authority of the legislature, had already been invested with the power of framing regulations for the guidance of the provincial courts.

101.—As the Governor General in council had declared, that the statute only extends to the importation of slaves by sea, and as the objection equally applied to the introduction of slaves by land, and ought to be guarded against by similar precautions, the advocate general advised, that a regulation to the same effect in other respects, applicable to the introduction of slaves by land, should be published with the former; or if the purport of the statute should be published here as a regulation of this government, in the same form with other regulations, the regulation might, he observed, at once be extended to all introduction of slaves by land or sea, which he thought the more advisable shape to give to it.

102.—The advocate general further informed us in a subsequent report, that his attention had been again called to this subject, by noticing the address of the recorder of Bombay to the grand jury, as published in the government Gazette here.

103.—There seemed to the advocate general to be no doubt of the correctness of the observation contained in the above publication, that under the strict interpre-

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tation of the statute of 1811, the commander of an Arab or other foreign Asiatic vessel carrying slaves for sale, or even only navigating partly by the slaves of the owner or commander, and entering any British port in India, would become liable to the penalties of felony. But he observed, the consequences of the same interpretation would go much further; for although the legislature had expressly provided (s. 4.) that the Act shall not extent to the removal of slaves from one British settlement to another, in the West Indies, no such exemption from punishment is allowed to the same conduct in the East Indies. Accordingly, the temporary removal of a native with his family and slaves in the ordinary course of business, from Bombay to the coast of Malabar, from either of these places to Ceylon, from Ceylon to the coast of Coromandel, or from hence to Bengal or Penang, would incur the penalties of felony. It might even be questioned, the advocate general observed, whether the importation of a slave at one port (as Masulipatam) of the same territory from another port of which (as Madras) he has been brought, is not felony within the Act; and it seemed clear to the advocate general, that if a merchant of Malabar should go over to the opposite islands, or if a choliar of the coast of Coromandel, should pursue the accustomed traffic to Achin and Pegue, in a vessel navigated by his slaves, his return with them to the British territories to be therein dealt with as slaves, would be felony under the letter of the statute.

104.—If the importation of slaves by land was to be made liable to the same penalties as the importation by sea, which in his former report he had recommended, the advocate general further stated, that the consequences of the above interpretation of the statute, would include in the penalties of felony, every native, who travelling with his family and slaves, should enter the British territories. The position of these territories, the advocate general observed, would render this peculiarly inconvenient; until the assumption of the Carnatic in the year 1801, almost every native inhabitant of Madras was in the habit of spending a part of his time in almost every year in the Nabob's territories; the advocate general presumed, that a similar intercourse must exist between the natives of the British dominions and the neighbouring allies upon every side, some parts of our possessions being surrounded by allied states, while other states being enclosed within the British, and a considerable portion of the traffic of the east having always been carried on by merchants travelling from one country to another with their goods, and with their attendants and slaves to take care of those goods. To make this felony, the advocate general thought would be inconsistent with every principle that has hitherto regulated the British legislation in the east, the basis of which is to preserve and support the existing usages.

105.—In considering the Act, the advocate general thought it impossible to mistake the origin of the omission to adopt its provisions to the circumstances existing in India. The whole purview of the Act, he observed, points out the trade in African slaves to the West Indies as the evil intended to be remedied, and apparently more for the sake of uniformity and of principle, than to remedy any existing evil; the general clause of prohibition and penalty had been made to include the territories of the East India Company. But the precautions against the importation of slaves, are calculated only for islands, and the advocate general noticed, that in the exception in favour of removals of slaves from one settlement to another, the East Indies, and all other places, except the West India islands, are wholly overlooked.

106.—The advocate general thought the object of the legislature in the Act, was not to interfere with the existing rights of masters over their slaves, but merely to destroy the inhuman traffic in the procurement of new slaves; and as that, like other traffic, depends upon the market open to the dealers, the evident design of the legislature in establishing severe penalties upon the importation of new slaves was, that of preventing all temptation to the traffic, by leaving no market open for it.

107.—The imperfections in the statute could not, the advocate general observed, be remedied by any Act of the governments in India, so far as the Act is to be applied by the King's courts, or to operate by his own force; but where the intervention of the local authority becomes requisite from its general legislative power, to promulgate the intentions of the supreme legislature, it appeared to the advocate general, that the local government would discharge its duty more correctly, by rectifying the mistakes which the legislature had evidently fallen into, whether from inadvertence, or from not being acquainted with local circumstances, than by enforcing the letter of the statute, in particulars inconsistent with its general spirit.

108.—Under this opinion, the advocate general stated, that he had advised in his former report, that the introduction of slaves by land should be expressly pro-

hibited.

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hibited, under the same penalties which apply to their importation by sea. It was manifest, he observed, that if their importation by land were permitted in India, the whole Act would be nugatory here, being liable to evasion by the simple expedient of landing the slaves first in a neighbouring state; and in the only instance of this traffic which had come to his knowledge, (by the late reports of the judge and magistrate in North Malabar,) it might, the advocate general observed, continue to be carried on with impunity; the slaves having been introduced into Malabar from the adjoining country of Travancore, where they were procured.

109.—The advocate general had no doubt in also recommending, that in any regulation which the government might issue on the subject, the exception contained in the 4th clause of the statute, in favour of the removal of the slaves from one British settlement in the West Indies to another, should be extended to similar removal from any one to any other place, in the same or any other settlement or possession of the King, or of the East India Company, within the Company's exclusive limits of trade. This exemption, he thought, should include all removals and bringing back of slaves, whether direct and immediate, or after touching or staying at any intermediate foreign places, so as such slaves had before been slaves in the British territories.

110.—The advocate general also thought it would be proper to restrict the penalty to the introduction of new slaves, procured for that purpose, or introduced for the purpose of sale. In framing a regulation for this purpose, there would be danger, he observed, of leaving means of evading the law, which must be guarded against. The advocate general suggested, that a provision might be framed, at once sufficiently comprehensive and sufficiently precise, by excepting from the penalties of the Act all persons who, not being subjects of the British possessions, should enter the British territories with slaves not intended to be sold, assigned, or transferred therein, and who should not sell, nor offer for sale, such slaves, while they remained in these territories, declaring any subsequent sale, transfer, or assignment, in the said territories, of slaves so introduced, to be conclusive proof of their having been brought for that purpose.

111.—We informed the supreme government, that as the Slave Trade Felony Act was of course to constitute the ground-work of the proposed regulation for preventing the importation of slaves into the territories subject to this government, we had deemed it expedient to take the opinion of the advocate general with regard to the provisions which such a regulation ought to contain, and that it was originally our intention to have caused a regulation for this presidency to be framed, in conformity to the sentiments which might be expressed by the advocate general, in his reply to the reference made to him on the subject; but that in consideration of the necessity of promulgating the statute 51 Geo. 3. c. 23, throughout the country in the accustomed manner, and the expediency of modifying certain of its provisions, being common to all the governments of the East India Company, it had since seemed more correct to furnish the supreme government with copies of the two reports which the advocate general had submitted, to the end, that should the Governor General in Council concur in the opinions therein stated, a general regulation for India might be framed, and hereafter incorporated in the separate code for this presidency; and we expressed our request to be furnished with the further instructions of the supreme government.

112.—We have lately received from the supreme government a copy of a letter from the provincial court for the division of Bareilly, and of the reports of the magistrates in that division, on the result of the inquiries made with the view of ascertaining, whether the provisions of the regulation for preventing the traffic in slaves had been effectual; and have been informed, that the Governor General in Council had already expressed his opinion, that the provisions of the Act passed in the 51st year of His Majesty's reign, c. 23, could only be considered applicable to the importation and removal of slaves by sea; and that from the documents received from the provincial court for the division of Bareilly, it appeared, that the rules contained in Regulation X, 1811, had proved fully effectual in preventing the importation of slaves by land into the territories immediately dependent on the presidency of Fort William. The Governor General in council, in consequence, recommended, that a regulation, corresponding in substance with the provisions of Regulation X. 1811, of the Bengal code, should be passed by us, with a view to the accomplishment of the same important object at Fort St. George. The provisions of the Act of Parliament, it was observed, would effectually restrain the importation of slaves into the British territories generally by sea.

Cons. 26th January 1813.

 113.—The

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113.—The Governor General in council, we were informed, was fully aware in offering these suggestions and observations, that the provisions of that Act are subject to considerable difficulties in their application to this country, but it was thought scarcely necessary to observe, that no legal means could be adopted by the authorities in this country for dispensing with the observance of them, and we were informed, that it was the intention of his Lordship in council, to draw the attention of your Honourable Court to the subject, by the first convenient opportunity.

Cons. 5th Jan. 1813, Vide Cons. 22d d°

114.—The advocate general was led in a subsequent report, to make some further observations on the general question of the right of British subjects to exercise the power of master over slaves. The advocate general adverted to the papers of Mr. Brown, and observed, that his claim to the rights of a master over slaves, as a part of the Mahomedan law, under which Mr. Brown considered these provinces to be governed, ought not to be passed unnoticed, and had again called his attention to the subject, which he had before slightly considered in his letter of the 14th April. He could not agree to the proposition, that these provinces are, so far as relates to British subjects, governed by the Mahomedan law. In questions of civil right, they are governed, the advocate general observed, by the different laws of the different nations to whom justice is to be dispensed; and in criminal prosecutions, the Mahomedan law is established over all the natives in the provinces, but not over the British. They retain the rights of their birth, and ought also, the advocate general thought, to retain all the relations connected with the British character, to which it is equally abhorrent to be the master of slaves as to endure slavery. Indeed, the advocate general did not know whether we should not rather say, from experience in another quarter of the world, as well as from reasoning, that the habitual exercise of the authority of a master over slaves, is peculiarly destructive to the national honour and character. The advocate general could see nothing in our situation in India, nor in the statutes, which authorizes a departure from the law of England, in the relation between a British subject and his servants. It is expressly provided in the several statutes, the advocate general observed, that our law shall not interfere with the authority exercised by the heads of families among the natives, who from local residence at the presidencies, are made subject in general to the British law. But no such provision is made for British subjects, as the masters of slaves; on the contrary, the distinction as to the natives, points out the intention of the legislature, that the British should hold only their own rights and customs. If any Moorman in Madras were indicted for the exercise of of violence upon his slave, which our law would punish, if committed by a master over his servant, but which the law and custom of his nation sanction as to their slaves, the defence would be sustained, and the legislature has specially provided for it. But if a similar complaint were preferred against Mr. Brown, for violence against his slaves in Malabar, the advocate general was confident that he could not justify it; but the civil right to the perpetual service of the persons held by him in slavery might, he observed, possibly be distinguished from the right of punishment of them as slaves, and the advocate general thought the question of right might well be tried, and ought to be tried in that shape. If any one of the persons now working upon the estate of Mr. Brown, as slaves, should be advised to instruct the attorney for paupers to bring an action against Mr. Brown for false imprisonment, in detaining him upon his plantation, the admission of the fact by Mr. Brown would, the advocate general observed, bring before the court the simple question of the capacity of a British subject to have a slave in India. The advocate general by no means wished to be understood to say, that it is a clear point, but he thought it very proper to be settled. The same object, the advocate general suggested, might be attained, bydirecting Mr. Baber publicly to offer freedom to any one slave who chuses to leave Mr. Brown's plantation for the avowed purpose of trying the question. From the importance of the point being settled, the advocate general also proposed, that by mutual consent, whatever might be the decision, it should be carried before theKing in council, as otherwise different decisions might be given at the different presidencies, and the question be set afloat, instead of being finally settled.

115.—Supposing it to be ascertained, the advocate general observed, by the highest judicial authority, that British subjects can have property in slaves in India, it would remain to be considered, whether the law ought to be left in that state, or rather, if the government should think that it ought not, a regulation of government might, as to the provinces, remove the necessity of any trial or enquiry as to what is now the law on the subject, by prohibiting the practice in future.

116.—In addition to the motives for such a regulation, arising from the general character

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character of Britons, and the propriety of preserving it, it appeared to the advocate general, from the papers before him, that there was a danger of British subjects in the situation of gentlemen, being enabled in fact, (although he hoped more frequently from the force of imaginary than of real connection and influence,) to exercise around them an authority scarcely admitting of limit or question.

117.—On the other hand, the advocate general was sensible that there might be objections to such a measure, upon the force of which he was not competent to offer, nor indeed to form any opinion; he therefore mentioned it rather as a suggestion for consideration, than as an advice.

118.—We transmitted to Bengal an extract from the report of the advocate general, containing these observations, and requested of the supreme government to furnish us with any further instructions that might be considered necessary.

Extract Fort St. George Judicial Consultations, 31st March 1812.

Read the following Letter from the Judge and Magistrate, North Malabar.

To the Secretary to Government.

Sir:—I have the honour to report, to be laid before the Honourable the Governor in council, the following narrative of some proceedings held before me, in consequence of my discovery in this zillah of a considerable number of persons free-born and bondsmen, recently imported from Travancore, whence they had been stolen and transported by water to Malabar, and enslaved, some of whom had been converted to Mahommedanism, and others associated with and made to eat the food of Pooliars, and thereby irretrievably excluded from their caste.

2.—My discovery of this inhuman traffic originated in a report brought me by some of the inhabitants of Travancore, (who had come to me for my permission to go and pay their respects to the late Ellea rajah of Travancore,) who mentioned that the practice of kidnapping had been exceedingly common; that this was not confined to bondsmen, but in many instances free-born children, and some even of the superior caste, had been stolen, and sent to Malabar, and there enslaved.

3.—However improbable such a report was, I did not wholly discredit it, because I knew, that formerly in Malabar the traffic was by no means uncommon; and during the last quarter sessions, I had committed some moplas on the complaint of a Pooliar native of Cherical, whose three daughters, the eldest twelve years, had been carried off, and sold to moplas in Cananore, who had put on them the mopla dress.

4.—But, under any other circumstances, a report so injurious to the name and character of the British government, made it a paramount duty in me, to set on foot an inquiry to know, whether there were any natives of Travancore in the districts composing this zillah, under the unfortunate circumstances represented; and in the course of a few days, the darogah of Mahe and Iruvanad came and informed me, that he had reason to suppose there were several children in the former place, who had been sent up from Travancore by Wallapagata Assen Ally, native of Mahé, but residing at Aleppi.

5.—No time was lost in following up this information, and the result of the measures adopted was, the discovery in the house of Wallapagata Assin Ally and his relations at Mahé, of nine free-born children, viz.—one Nairajee girl, about twelve years old; five Tear boys; two Teatee girls, and one Corawan boy, the eldest about eight; all of whom, when brought before me, said they had been stolen from their relations in the night-time, cloths thrust into their mouths, and in this state carried to Aleppi, and thence sent off by water to Mahé. They were all disguised as Mopla children, the girls being dressed in the Mopla coopai, their ears pierced and ornamented with rings, and the boys had been deprived of their koodeema, or lock of hair (the distinguishing mark of caste,) and all had Mopla names given to them.

6.—The persons on whom the children were found were also apprehended, and all committed to take their trial before the quarter sessions, at the suit of government, on the grounds of the depositions given by the children, and the declarations of the prisoners. A.

7.—I lost no time in writing off to the resident at the Court of Travancore, informing him of what has transpired, and requesting he would take means to secure the person of Wallapagata Assin Ally to Aleppi, the principal in this inhuman commerce; I also wrote to the collector, to request he would give the most positive orders B. 1. C. 1.

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to the whole of the officers employed in the customs, not to allow of any person importing slaves, but to give instant information to the police officers whenever they might detect any person in the attempt.

8.—One of the Tear children found at Mahé, named Coon Yangaree, had stated in his deposition, that "his brother Nestha was one of the four children who had a few days before been sent to the Anjarakandy plantation." I cannot say, this information was unexpected, knowing that Wallapagata Assin Ally, the person who sent up these children, was the agent of Mr. Brown, the owner of that plantation; before, however, I acted upon this information, I sent for some of the Ellea Raja's attendants best acquainted with those parts of Travancore whence these children alleged they had come, when after interrogating them on a variety of local points, which I could have known little or nothing of, they declared their conviction of the correctness of their account, and further assured me, that not even bondsmen, much less free-born children, could under the existing laws and usages in Travancore, be legally sold, and sent out of that country.

9.—The necessity of adopting measures to recover the four children alluded to by the boy Coon Yangara, and any others that might be on Mr. Brown's plantation under similar unhappy circumstances, was no longer a question; but anxious that Mr. Brown should have no cause of complaint, in regard to the manner in which my orders were carried into execution, instead of leaving the duty to the darogah exclusively, I ordered the commissioner in that neighbourhood and one of the court
D. gomastahs to accompany the darogah to Anjarakandy, whom I furnished with written
E. 1. instructions for their guidance; I also sent by them a letter to Mr. Brown, advising him of the information I had received, and calling upon him to send me a list of his recent purchases of persons as slaves, and the names of the persons from whom he bought them, and concluded with apprizing him of the duty upon which my officers had been ordered.

10.—The darogah had the day before proceeded to make the tour of the eastern mountains; my officers notwithstanding went to Anjarakandy, taking with them the menon of pyche, the officer next to the darogah, and having delivered my letter to Mr. Brown, they proceeded on their duty, and on the first day discovered about 20 persons, eight of whom had been imported from Aleppi, and 12 from Cochin,
E. 2. very recently.

11.—Mr. Brown informed me "he had purchased many Pooliar families, and some even very lately, under the sanction of government, but declined furnishing me with the list I had called for, until I sent him copy of the regulation, authorizing this inquest into his private concerns."

E. 3. 12.—On this, I called upon Mr. Brown to produce the sanction he alluded to, and informed him, that my requisition had been made in virtue of the powers vested in me as the Zillah magistrate, and my commission as one of his Majesty's justices of the peace.

D. 13.—This letter was no sooner delivered by my officers to Mr. Brown, than he got into a most violent rage, told them to take away his slaves at their peril, that he had consulted his friends at Tellicherry, and had that day received a letter from Mr. Stevens, telling him the magistrate was acting illegally; but it would be disgusting to relate all that he uttered; finding all his efforts to intimidate my officers in-
E. 4. effectual, he wrote me a letter, protesting against my proceedings, on the grounds that "there was no regulation existing to authorize this oppressive interference with his property, and still less the cruelty committed on nearly 200 men, women and children, excepting a formal complaint against the persons themselves, or a claim being made by some person to them in consequence of some invalidity in the sale;" again "protesting against the violence I had caused to be committed on those innocent persons, without any reason being assigned for such barbarous usage; protesting also against the loss it had already and must continue to make him suffer, by putting a stop to his extensive labours, where upwards of 350 persons are daily employed, but of whose services I had deprived him."

14.—In one part of his letter Mr. Brown had justified his conduct, by saying, "the sale of slaves was not only authorized by the custom of Malabar, but was expressly permitted by the Mahomedan laws, under which this country was governed, and that for 13 years no question had been ever put to him on the subject of his purchases, nor any complaint from any person claiming the Pooliars so purchased, and that in answer to a reference made by the collector, on a complaint of a slave being brought from Travancore to Malabar, he had been told, that the trade being authorized by the law, he had no business to interfere in it."

15.—Mr. Brown,

15.—Mr. Brown, in his P. S. to the same letter, tells me, that the copy of the authority granted to him by the Bombay government is not forthcoming, it having been destroyed by fire. I applied, however, to the collector, who sent me several letters; but the only one like a sanction was the following paragraph of a letter from the government of Bombay to the commissioners, dated 31st July 1798; "you have already received our approbation of Mr. Brown's proposed purchase of Pooliars, in a letter to you of the 26th ult. on the grounds of its not being incompatible with the subsisting regulations for the province;" and in Mr. Warden's letter, forwarding these documents, he says, the letter dated the 26th June 1798, from the Bombay government, does not appear upon record. In answer to my reference to Mr. Warden, on Mr. Brown's allusion to some orders he had received, wherein he was told that the trade in slaves imported from Travancore to Malabar, being authorized by the law, he had no business to interfere in it; Mr. Warden forwarded extract of the acting chief secretary's letter to the Board of Trade, dated 13th November 1810, as follows:—

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C. 2.
C. 3.
C. 4.

"I am directed to acknowledge the receipt of your secretary's letter of the 9th instant, and to acquaint you, that the collector of Malabar has no authority to interfere between the slaves in question and their masters; the collector should be desired to refer them to the magistrate, if they have any complaints against the persons who call themselves their masters."

C. 5.

"Although the exportation and importation of slaves as a traffic be prohibited, domestic slavery is recognized by the usage of the country and the Mahomedan and Hindoo laws, and has never been abolished by the British government."

16.—The utmost to which the sale of slaves is tolerated in Malabur, is domestic slavery, and this exclusively to those born in a state of bondage; formerly this degraded race of men were the exclusive property of the Hindoos of Malabar, but in course of time, from necessity and other causes, they were transferred and sold to the Mopillas, but never was it bargained that they were to be made proselytes; a Pooliar sold or transferred could not be removed out of the district, his place of nativity; in consequence the social tie among them was still preserved; even the women, though sold, are never separated from their husbands, whom they still follow, however often they may change their masters; the owner of the female, however, still maintaining his claim to her and to her offspring, whose right is thus perpetuated from generation to generation. In some districts the offspring are divided between the owners of the father and the mother, but they are never separated from their parents until adults.

17.—But I apprehend, that neither the usage of Malabar nor the Mahomedan law could apply to Mr. Brown, after the enactment of the British legislature, abolishing the slave trade, he being, in common with every other British subject, prohibited from purchasing slaves; independent of which consideration the question was totally irrelevant to the present investigation, the sole intent and object of which was to emancipate certain free-born children who had been stolen and banished from their country, defiled, and reduced to a state of slavery, and also to restore to their country and proprietors, certain bondsmen who had represented they had been stolen or forcibly carried out of their own to the Company's dominions.

Vide par. 91.

18.—To return to Mr. Brown's letter of the 21st, I did not, of course, allow his abusive language to have the smallest effect upon my conduct, but directed my officers to go on with their duty, cautioning them against entering into any kind of controversy with him; but in consequence of Mr. Brown having told my officers, Mr. Stevens and his friends at Tellicherry had given their opinion, that I was not acting legally, I determined upon referring the subject to the judges of the provincial court, and for that purpose wrote, that I was desirous of availing myself of their experience and knowledge on this question. Thinking it probable, however, the judges would, as they had on former occasions, refuse to give me their sentiments, I requested, in the event of that being attended with any inconvenience, they would so far assist my inquiries as to direct me to those periods of the former administrations when I might, by a reference to the records here and at Calicut, inform myself thereon. I further solicited the loan of Mr. Duncan's report, knowing that therein the subject of this traffic was treated, and that there was a copy of that excellent work in the possession of the judges of the provincial court.

F. 1.

19.—In the mean time the commissioners proceeded, and having fulfilled the object of their deputation, returned on the 24th to Tellicherry, bringing with them 76 men, women and children (including ten infants), found on Mr. Brown's plantation, all of whom had declared they had been stolen or forcibly carried away by

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Moplas and others, from the districts of South Malabar Cochin and Travancore, and transported to Mr. Brown's plantation at Anjarakandy; six of the children were free born, and natives of Travancore, viz. two Nair boys, aged about eight; two Tear boys, a Teaty about twelve, and a Mopla girl about six, and had been, within the last six months, stolen from their friends and sent by sea, by Wallagapata Assin Ally, to Mr. Brown at Anjarakandy, and there associated with and made to eat the food of Pooliars.

20.—Coon Yangara, the boy referred to in the 8th paragraph, whom I had sent with the police officers to Anjarakandy, and his brother Natha, recognized each other, notwithstanding both had lost their koodima (lock of hair), and their appearance in other respects disfigured; the rest were of the Pooliar and Wetterwar caste, liable to domestic slavery in their respective places of nativity; fourteen of them had been imported from the districts of Cootenaad Travancore, since yedawour or eight months ago; two more were brought so lately as methoorium, last from Cherical district in this zillah; the remainder were imported from Chetwa, the southern extremity of South Malabar, some eight, ten, and twelve years ago.

D.

21.—When the whole of these seventy-six unfortunate persons were brought before me, the cases of the free-born children were the first that attracted my attention; the first thing I did was to again write to Mr. Brown, when, after telling him of what had transpired, I called upon him, in the most earnest manner, to afford me every information that would lead to the apprehension and punishment of the persons who had supplied him with the children, and at the same time advised him, that I was ready to receive and investigate any evidence or document he might have to adduce, in support of any claim he might have upon the persons found on his plantation.

F. 5.

22.—On the following day, Mr. Brown acknowledged my letter, but declined giving any reply, because, he said, such reply would be a virtual admission of the legality of my conduct, which he positively denied, and had publicly protested against; that I had, without any cause assigned, or information lodged, violently possessed myself of his labourers, and of a valuable portion of his implements of agriculture; that if any person appeared to dispute his possession, the courts were open to him, and the regulations pointed out the course to be pursued.

F. 6.

23.—And on the same day, 28th, I received a precept from the provincial court, acknowledging the receipt of my communication of the 23d; but instead of replying to it, they forwarded copy of a petition presented to them by Mr. Brown, praying their interference in protecting him in his property; on which the judges remark, that before they reply to the magistrate's queries, or take cognizance of the facts stated in Mr. Brown's petition, it is requisite they should be in possession of the whole of the magistrate's proceedings, commencing with the information on which he had set on foot the inquiry into the circumstances of Mr. Brown's slaves and labourers, and detailing the proceedings he may have held, and on the grounds on which he pronounces to have ascertained, that part of the children lately imported into this zillah as slaves are of free parents, and even of the superior castes; and to state at length the grounds on which he may have detained the persons taken from Mr. Brown's plantation.

F. 2.

24.—In Mr. Brown's petition, he complained of the unlawful and highly oppressive acts of the magistrate, in having detained 113 of his servants, of all ages; that the major part of the children were born on his plantation, bred up, and taught different useful occupations, at his expense; that the magistrate had issued a proclamation, stating that the darogha had orders to seize his people; and that this extraordinary production, prescribing about 350 innocent persons, against whom no complaint whatever existed, he was refused a copy of. He also states, that he knew from experience to what length the magistrate was capable of going, he having some years ago forcibly taken from him and his partner, Mr. Dincur, elephants and timber to the amount of 2,000 rupees, and upwards, and that an inquiry was made, by the orders of government, by the principal collector, before whom it was proved, on oath, that Mr. Thomas Baber's people caused his, Mr. Brown's, mark to be cut out from the timber; but for which he had, as yet, received no redress. Mr. Brown concludes this his calumnious address by adding, that one of the Pooliar children had died in consequence of the treatment it had received; and that as the death had been caused by an illegal act, praying that the magistrate's officer might be secured, to the end that he may be brought to trial for the same.

F. 3.

25.—I shall offer no comment on the orders issued by the provincial judges, on their

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their admitting on the records of their court this libellous petition, or on their withholding their sentiments on the points I referred to them in my letter of the 23d; satisfied that the government will see, in the whole of these proceedings, the strongest indications of a determination to support Mr. Brown. I shall therefore proceed to observe, that neither in this petition, nor in Mr. Brown's letters to me, does he deny that persons who had been stolen, and free-born children reduced to a state of bondage, were found on his plantation; this he could not do, and having no defence to make, he resorts to the old expedient of calumniating and vilifying his accuser; and all this in a petition to a court of justice. The circumstances Mr. Brown alludes to, of his elephants and timber, will be found fully explained in my reports, dated the 28th May and 15th July 1806, to the principal collector; it will be therefore unnecessary to say more, than that neither the elephants nor the timber belonged to Mr. Brown. One of the elephants, and the teak forests, were the property of the Company (and as such taken possession of) from the period of the rebellion of their proprietors, viz. the Cotiote rajah, who is now a prisoner for life, and the Canute and Parawul Nambears, who suffered death in 1805. The other elephant was restored to the owners, the overseers of the Montana Pagoda, from whom it had been unlawfully obtained, and mortgaged to Mr. Brown by the above-mentioned rajah, while in rebellion; and the teak trees had been forcibly felled by Mr. Brown's agents from the paramba or garden of the proprietor.

26.—But as it is foreign from this address to answer the assertions of mere malice and falsehood, satisfied that public indignation must sooner or later pursue the author and his abettors, I shall, in reference to that part of Mr. Brown's petition, wherein he says, "that 113 of his people had been detained, that the major part of the children had been bred up and taught useful occupations at his expense, and that they had carried away their working tools," merely state, that 76 was the total number of persons brought away; 22 of whom, viz. 6 free-born children, 12 grown up, and 4 children of the Pooliar tribe, had been only a few months in his possession; of the remaining number, 10 were born on his plantation, but the eldest was only seven years; and not a single tool or implement of any description was brought away. In regard to Mr. Brown's assertion, that the death of a Pooliar child had been occasioned by the treatment it received from the police officers, it is a gross calumny; no kind of compulsion was made use of by the police servants; the parents of the child repaired, in common with the rest of the Pooliars who had been stolen, to the police officers, to represent their grievances. It so happened, the infant (one year and a half old) died during the investigation; but it has been satisfactorily proved, by the evidence of its parents and others, taken before the police officers, and also by myself, that it died a natural death; it had been ill ever since Meenom in Meethooram; it lost its sight in both eyes, and a whole month before its death, its recovery was so hopeless, that medicine was no longer found of any service. G.

27.—From the 24th till the 3d January, I was taken up in examining the persons brought from Anjarakandy; and having satisfied my own mind that they had been sent to Anjarakandy by means the most unjustifiable, I wrote to Mr. Brown, informing him it was my intention to make a full report of what had transpired to government, and enjoining him to give up the names of the persons who supplied him with the free-born children, as well as those of the Pooliars who asserted they had been stolen, and that I was still ready to hear and receive any evidence he had to adduce. I also told him, that as there could be no objection to the employing the Pooliars during the interval of my reference to government, I should order them to be delivered over to his agents, but that the free-born children would remain under my charge. D. E. 7.

28.—On the 4th I made my return to the provincial court's precept of the 27th, forwarding every paper that could elucidate the points upon which I had been called to give information; and after giving a summary of what had transpired, I observe, "I had afforded Mr. Brown every opportunity of vindicating his conduct, and nothing could have been more easy than for him to have satisfied me of his innocence, by a prompt disavowal of all knowledge that these children were of free-born parents, and been kidnapped, and of all participation in the guilt of the principals in that inhuman traffic, by giving up the names of the individuals who supplied him with them, and affording me his assistance in bringing them to condign punishment. Such ought and would have been the conduct of every honourable man; but, instead of this, Mr. Brown has resisted my requisitions, and treated me and my officers in terms of the highest contumely and disrespect." F. 4.

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E. 8.

29.—On the evening of the following day, 5th January, I received a letter from Mr. Brown, dated the 4th, though written from Tellicherry, wherein, for the first time, he gives up the name of the person who sent up to Anjarakandy the six free-born children; and in regard to the others, denies that they were stolen. I will quote his own words: "Since my letter to you of the 28th ultimo, having sent to Anjarakandy for particular information relative to the six persons who, you say, are free people, I have now to inform you, that they were sent there by Banian Belle Assen Ally to work on the plantation, until his return from Travancore; whether he got them from their parents or relatives, or purchased them as slaves, I know not; but having no claim over them, I can have no objection to your detaining them, as I conclude a complaint had been lodged before you on their account, with regard to the persons who were forcibly driven from the plantation, without the smallest reason being assigned for that violent proceeding; it is totally false that they were stolen or kidnapped, nor did any of them assert such a thing when questioned by your menon at Anjarakandy."

30.—Eighteen days had transpired since I acquainted Mr. Brown that I had received information, that a considerable traffic in children was carrying on between Malabar and the adjoining districts, and that several of the children had been sent to his plantation, and requested he would inform me, whether he had made any such purchases; and if so, that he would send me a list thereof, their caste, age and sex, and the names of the persons from whom he had purchased them, and of the agents he had employed; and Mr. Brown had also been told by me, ten days before this letter, dated 4th, that my officers had returned and brought with them 76 men, women and children, who had asserted they were all stolen or forcibly carried away; that six of them had stated they were of free-born parents, and within the last six months had been stolen from their relations in Travancore, and sent by Wallapagata Assen Ally to him; that I had been most particular in questioning these children, and had no doubt in my own mind they had been kidnapped, and calling upon him to afford me every information in his power to enable me to discover the principals in this inhuman traffic.

31.—After such a peremptory call, respect to the constituted authorities as well to his own character, ought to have pointed out to Mr. Brown the necessity of sending to Anjarakandy for particular information the instant he received my requisitions. Mr. Brown was positively at Anjarakandy the greatest part of the time, from the 18th December to 5th January; but even had he been at Tellicherry, there was nothing to prevent him from ascertaining and communicating in 24 hours the information he gives me in his letter dated the 4th.

32.—But confining myself to the six free-born children, it never can be believed, that Mr. Brown could now have only known that there were six persons of that description in his possession; in the first place, it is highly improbable that any man would have sent six free-born children to work on the Anjarakundy plantation without the owners previous permission; and in the second, still more so, that children of that description could have been employed on his plantation a period of six months without his knowledge. The children themselves say, that when they were first carried to Anjarakandy, they refused to eat the food of the Pooliars, but the Wallia and Cheria Achan (the names Mr. Brown and his son go by in the plantation) made them do so.

33.—These, combined with other causes, convince me that Mr. Brown was well aware of the purport of my return to the provincial court's precept, and that finding there was no possibility of getting over the business of the six free-born children, he resorts to this shallow device of antedating his letter, and pretending that he had then only ascertained, that Banian Bette Assen Ally had sent these six children to work on the plantation. Before, however, I drew this conclusion, I wrote and informed Mr. Brown of the precise hour of my receiving his letter, and that the bearer of it had told me he had that moment come from Mr. Douglas's house, where Mr. Brown was residing.

E. 9.

34.—This however was not the only deception practised in Mr. Brown's letter; he had mentioned Banian Bette Assen Ally as the person who had sent up these free-born children. Now, of the thousands of moplas in Malabar of the name of Assen Ally, there was not one known by the name of Banian Bette, I was therefore under the necessity, not that I was ignorant who this person was, but to prevent any disputes on this head hereafter, of requesting he would inform me, whether Wallapilagata Assen Ally, former head sheristadar, employed by him in the custom house, was the person he alluded to by Baniana Bette Assen Ally.

E. 10.

35.—This

35.—This answer came stating he was the same I had described, and who it will be recollected, the free-born children, and part of the Pooliars had said, had sent them from Alleppi to Anjarakandy. Mr. Brown assigns no reason for giving this man a name that did not belong to him, for it is very unlikely his doing so could have proceeded from accident, when it is known that this man, both while he was the custom house head sheristadar, and since he was dismissed from that situation, has been employed in the most confidential of Mr. Brown's concerns.

36.—I have already in my paragraph 7 stated, that I had on the very first commencement of the inquiry, requested the resident at the court of Travancore to take measures to secure Wallapagata Assen Ally, but what he did I know not; but on the 8th January Assen Ally himself appeared before me, with a letter from Mr. Brown, stating that "the bearer was the person who sent him the six children." E. 12.

37.—I took the earliest opportunity to examine this person; he said that Mr. Brown had sent him down to Travancore to purchase 500 candies of pepper for him; that when he went away, Mr. Brown desired him to endeavour to purchase 10 and 15 children; that in pursuance of this commission, he purchased 25; that, of these 25, 17 were on Mr. Brown's, the rest on his own account; and that he had paid for them out of Mr. Brown's money; that the nine found by the police officers at Mathé were his property; and of the 17 for Mr. Brown, six are the identical children found by my officers at Anjarakandy; that the other 11 had also been dispatched to Mr. Brown, but had been stopped by the officers of the Travancore government, who had taken him up and carried him to the cutcherry at Mawilakara, where he had been imprisoned and amerced in the sum of 1,000 rupees. He acknowledged that it was unknown by the Travancore authorities; that he had already succeeded in having actually transported some children out of Travancore; in corroboration of all which, he produced a Malabar paper, called a turp or order passed by the tribunal of Mawilakara, wherein it fully appeared that he had been fined 1,000 rupees. This order stated, that the children had been illegally come by, and that they had, in their examinations, stated they had been stolen during the night time while asleep by moplas of Travancore, and sold to Kadakan moplas or persons from the northward, which is precisely the same account the children I had discovered at Mathé and Anjarakandy had given before me. The 11 stopped by the Travancore officers had been more fortunate than their unhappy brethren up here, in having been restored to their friends and relations before they had been defiled. H. 1. H 2.

38.—The only defence put up by Wallapagata Assen Ally was, that he had been desired by his employer to purchase children, and that others had been doing the same at Alleppi; he said that about 400 had been transported from Travancore to Malabar during his stay at Alleppi, although he admitted that before and during the life-time of the rajah such a traffic was not allowed of; he also produced pramanums or deeds of sale for all the children recovered here and in Travancore, to prove that he had purchased them from moplas in Travancore; the price is stated to have been from seven to nine rupees, and some in the name of *Brown Sahib Awarakul Kairium Mahe Wallapalagatta Assen Ally*, and others simply in the name of Wallapalagatta Assen Ally. H. 3.

39.—On the same day I apprized the resident of Travancore of the arrival of Wallapalagatta Assen Ally, who, I had every reason to suppose had fled from Travancore, and forwarded a copy of his deposition, as also a list of the free-born children and Pooliars who had been stolen from Cochin and Travancore. I called his attention in particular to that part of Assen Ally's deposition, wherein he said, that about 400 children had been exported from Travancore under similar circumstances during his short residence at Aleppi, about seven months, and also to the assertion made by the Pooliars brought from Cochin, that when first stolen, they were carried to and confined in the houses of Wellakara (Europeans) in Cochin; I added, that as they were European foreigners or Jews, he would, no doubt, take effectual measures to put a stop to such practices in that quarter. B. 2.

40.—I have already stated, that on the 3d I wrote to Mr. Brown, that I should order the Pooliars to be delivered over to any person he would send to receive them, as there could be no objection to their performing their daily occupations during the interval of my reference to government; Mr. Brown accordingly, on the 8th, wrote, that the provincial court had signified, that there was no objection to his receiving them back, and, therefore, that he had, in conformity to that injunction, directed them to be received at his plantation whenever I might be pleased to send them. I immediately replied, that they should be delivered over to any person he would E. 12. E. 13.

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send for that purpose, with the exception of the sixteen Pooliars who said they had been stolen from their owners within the last few months, as their presence was still required at the court; and on the 10th, one Baubee Chitty, former custom-house sheristader of Cananore, but dismissed for dishonesty, came in the capacity of Mr. Brown's servant, and received charge of them.

14. 41.—In consequence of Mr. Brown's allusion to the provincial court in his letter of the 8th, I concluded they had passed their orders on Mr. Brown's petition, and

F. 5. not having received any answer to my reference of the 23d December, on the 10th I informed the judges of what Mr. Brown had written to me, and requested that the whole of the papers I had forwarded on the 4th for their inspection might be returned, in order that I might forward the whole up to the Presidency without loss of time.

F. 6. 42.—In answer to this, the judges inform me that " it is their intention so soon as certain explanations which Mr. Brown had been invited to afford had been received from that gentleman, to refer the whole of the proceedings held, including the documents forwarded by the magistrate up to the Sudder Adawlut, to which court they conceive that they are the proper channel of reference. That as they were not aware the magistrate had not retained copies of such papers as he had transmitted, and as this would appear to be the case, such of them as the magistrate might wish to copy should be returned to him on his specification thereof." Again, on the 13th I received a precept, stating, that " the judges observed from

F. 7. Mr. Brown's statement, that Wallapatagala Assen Ally, the person who is represented as having sent from the Travancore country the six children found on Mr. Brown's plantation, as well as the nine discovered in the possession of certain persons, inhabitants of Mahe, is now within his jurisdiction. Ordered, that the magistrate be called upon to report to the court, whether he has examined the said person, and if so, to furnish copy of his examination for the court."

" The magistrate must also be called upon to state the measures he may have taken, either by communication with the resident at the court of Travancore, or through any other channel, in order to follow up the clue afforded by the declarations of the children, who represent themselves as of free parents or relations, for the purpose of verifying the account they have given of themselves, in view to their eventual restoration to their parents or relations."

F. 8. 43.—And on the same day, before I could possibly make a return to the first, I received a second precept from the provincial court, stating, " that Mr. Brown had informed them, the magistrate had only delivered to him 55 out of the 71 bondsmen, exclusive of the six children from Travancore; that they had refrained from issuing their orders after the receipt of the magistrate's return and perusal of all the documents accompanying it, for the restoration to their present and only ostensible proprietor of the whole of them, with the exception of the Travancore children, from having supposed that the offer contained in the magistrate's letter to Mr. Brown of the 3d, referred to the whole of the persons of the first description; and as they are opinion the magistrate has acted totally illegally in ever having removed the said persons from Mr. Brown's premises, they now direct the magistrate will immediately cause those now detained by him (with the above exception) to be sent to Mr. Brown's plantation without delay, desiring the magistrate to conform to these orders, making this return in twenty-four hours.

44.—The reason of my detention of the 16 Pooliars was, that I might follow up the information contained in their depositions, in order to secure the persons who had stolen and carried them to Anjarakandy. Wappen and Country Pany were the persons who had brought to Anjarakandy those who were stolen from Cochin, and Coomba Moideen, native of Cherical, the person who had stolen the two Pooliars, the property of the Cherical rajah, and carried them to Anjarakandy. The two

I. 1. former I had issued a warrant against, but by the nazzir's return, it was reported the two first persons, both in the employ of Messrs. Brown and Dincur, had been sent out of this zillah the very day after Mr. Brown was informed I had taken up this investigation wherein they were concerned, one to South Malabar, and the other in one of Mr. Dincur's salt boats, to Goa; not satisfied with the nazzir's report,

I. 2. I issued an order to the darogah of Mahe and Iruvenaad, who confirmed his report

I. 3. by declarations to that effect, under the signatures of the families of these two persons.

45.—It would have been idle to have expected that any representation that I could make would be of any avail, after the provincial court had informed me they perused my return, " and the documents accompanying," (the examinations of the Pooliars,

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Pooliars, wherein they had declared on oath, that they had been stolen from their proprietors, and some torn from their husbands, wives, and parents), and declared their opinion, that " Mr. Brown was their present and only ostensible proprietor," and that I " had acted totally illegal in removing them." Still, as the judges of the provincial court were ignorant of the circumstances set forth in the foregoing paragraph, I deemed it my bounden duty, before I complied with the exigence of their orders, to represent my objections thereto; but that I might still carry them into execution before the expiration of the twenty-four hours, I lost not a moment in answering it. I told them " that in consequence of the inquiry I had set on foot into the circumstances under which that portion of the Pooliars, who had set forth that they had been stolen, and banished to Anjara Kandy within the last few months, it was my intention to make a full report to the government, for the purpose of being sumitted, together with the proceedings held in the case of the free-born children, for the opinion of the Honourable Company's advocate general, as far as related to Mr. Murdoch Brown, and to commit or hold to bail, as the case might seem to require, such persons as were amenable to the jurisdiction of the Honourable Company's local courts, as might appear to have committed the crime of kidnapping the six free-born, and sixteen bondsmen, and enslaving the former." I also informed them of the disappearance of Mr. Brown's two agents, on the very day succeeding that Mr. Brown was aware of the inquiry I had instituted. I also concluded with observing, that it would be impossible for me to prosecute the investigation, if the judges insisted upon my sending back these sixteen Pooliars before I had brought the inquiry to a conclusion; and again requested that the original proceedings forwarded for their inspection, with my return to their precept, dated the 27th December, might be returned to me.

F. 9.

46.—On the 14th evening, I received an order to furnish the judges with a list of the Pooliars I had detained, " that reference may be made to the depositions sent along with the magistrate's return to their precept of the 27th, for the purpose of ascertaining the particular circumstances stated to have attended their having become Mr. Brown's property, and also to transmit any further depositions the magistrate might have taken in these cases." In pursuance of the above, I forwarded, on the succeeding day, the list called for, and told them, that notwithstanding the opposition I had met with in Mr. Brown's silence, and the departure of his two agents out of the zillah, I would still use every means to follow up the information given by these Pooliars, if the judges would allow me to go on with the inquiry; and also informed them, that I had apprehended the mopla, Coomba Moideen, who had been charged by one of the female Poolai, by name Waltachee, with having stolen her and her daughter Waltachee; and that though I had not taken the deposition of that person, it would appear from the examination sent with him, the account Waltachee had given of the mode in which she came into Mr. Brown's possession had not been exaggerated.

F. 10.

F. 11.

47.—I beg to call the attention of the government to that point of the provincial court's precept, dated the 13th, wherein they acknowledged they had perused my return, and the documents accompanying it, and give their opinion, that I had acted wholly illegally in removing the Pooliars from Mr. Brown's premises, and ordering me to restore them without delay and that part of their orders, dated the following day, wherein they desire me to direct them to those of the documents above alluded to, for the purpose of ascertaining the circumstances under which these Pooliars came into Mr. Brown's possession. To the best of my judgment, this is a full confession of their having condemned my proceedings without an adequate knowledge and consideration of the subject.

48.—Notwithstanding, however, my communication of the 14th, and the additional ground, in the evidence of Coomba Moideen, for the belief in the assertions of the Pooliars, that they had been stolen, on the following day I received an order to comply forthwith with the exigence of the provincial court's precept, dated the 13th; the following is the order: " The judges of the court have already expressed their opinion of the illegality of the act on the part of the magistrate, in having, in the first instance. without any information before him, or claim preferred thereon, removed from Mr. Brown's premises, and deprived him of the services of the bondsmen, his property; and in consistence with this opinion, they deem it their duty to lessen as much as possible the injury to which Mr. Brown's undertaking must have been subjected by their long and continued detention." " The judges do not even perceive, on the grounds of expediency, any valid reason for the further detention of the twelve Pooliars and their children. They have

F. 12.

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already given all the information they are capable of imparting, and should the persons to whom they represent themselves as having belonged, and from whom they were stolen, appear for the purpose of establishing their claim, or prosecuting the perpetrators of the theft, their accomplices or accessaries, under the provisions of Regulation XI. A. D. 1809, may, by the usual process observed in respect to evidence, be forthcoming when required. The judges do therefore direct, that with the exception (for the present, until the magistrate shall have sent in the report of his examination of the mopilla, whom she charges with having stolen her) of the female, named Waltachee, the magistrate do forthwith obey the exigence of their precept of the 13th. In regard to this person, as well as the others in general, the judges must remark, that in their opinion, the magistrate is following a course which does not seem either the most direct or efficacious towards the ascertainment of the fact, and which seems to be an indispensable preliminary to the prosecution of the persons mentioned in their deposition as principals or accessaries in the theft of these persons, viz. whether or not they have been actually stolen; this at present rests solely on the declarations of the slaves themselves, and unless a charge of this nature shall have been previously preferred by the person, the proprietors of the bondsmen, and other evidence adduced thereof, the judges do not see that either under the provisions of Regulation XI. A. D. 1809, or any other regulation, can be supported against the persons charged in their declarations as accessaries only, and that in many of the instances in a very remote degree."

F. 13. 49.—I immediately complied with the above, by sending back the whole of the remaining Pooliars, and in my return, informed them that I had done so. I suspended all further proceedings, on the grounds of the opinions they had expressed in the concluding paragraph of these orders.

50.—I cannot pass over this precept, without stating my objections to the reasonings therein contained; and, first, the assertion that I had in the first instance, without any information before me, removed from Mr. Brown's premises his bondsmen, is not true; and the judges knew that the origin of the investigation was the accidental information given by the boy Coon Yangara, "of his brother Natta having been one of the four children who had a few days before been sent to Anjara Kandy;" and that it was in the search for these children, that others, free-born and bondsmen, came forward and alleged they also had been stolen. It was in consequence of this information I ordered them to Tellicherry, but not until Mr. Brown had refused compliance with my requisitions; and it is very certain, that had I not pursued the measures I did, Mr. Brown would have remained to this day in undisturbed possession of both free-born and bondsmen; and so far from acting illegally in detaining sixteen of the Pooliars, I conceive I had sufficient information to justify my summoning before me every person on Mr. Brown's plantation.

51.—The judges have not censured my detaining those who alleged they were of free parents, although no claim was preferred on their account; it is to be presumed, therefore, there was nothing objectionable in that measure. They and the Pooliars had been carried to Anjara Kandy under similar circumstances, and after their arrival there, had been associated with and made to eat the food of Pooliars, and their appearance in every respect that of slaves; it was only then by confronting them with each other, that I could expect to elicit the truth of the assertion they had made in regard to their country, caste, and circumstances under which they came into Mr. Brown's possession. This was only to be satisfactorily done by a personal examination; and as I could not go to Anjara Kandy, it was unavoidable my calling them to Tellicherry; and had I not examined them personally, would not that very omission have been immediately turned to my disadvantage; would it not have been said (as I had been already unjustly accused by the judges of the provincial court,) that I was deceived and cajoled by my native servants. Even as it is, Mr. Brown has declared, "that not one of the Pooliars asserted, when questioned by the menon, they had been stolen or kidnapped," although their depositions were taken, signed, and witnessed in the presence of the commissioner, the darogah's menon, the court gomasta, and several of the inhabitants; and although Mr. Brown has since confessed that he has no claim upon ten of them, viz. six free-born and four bondsmen.

Vide F. 8.

52.—I know not what better "information" I could have had for instituting this inquiry. What more "valid reasons, on the grounds of expediency, for prosecuting it;" what course "more direct or efficacious to ascertain the fact of their having been actually stolen;" and, finally, what stronger ground for commencing,

or

or by which a prosecution could be supported against principals and accessaries than are contained in the depositions taken before my officers, and examinations held before me of all these unfortunate persons, made as they were under a solemn declaration, and under a full conviction of the obligations imposed on them to tell the truth, (and indeed a much greater than on the generality of the natives), every one of whom had asserted they had been stolen, and carried out of their countries against their will to Anjara Kandy. Two instances (Ponama and Corumbee) indeed, amongst those imported within the last few months, were two mothers and their children, had been torn from their husbands and parents, and had never seen or heard of them since.

53.—I should now have proceeded to report the circumstances of the case to the government, but I was in hopes the judges would yet see the necessity of recalling their orders, when they saw my return to the yet unanswered second precept of the 13th January. In my 42d paragraph I have inserted copy of that precept, the purport of which was to send up the examination of Wallajagata Assem Ally, and to report what further measures I had pursued, &c. Anxious to gratify the judges with the most minute particulars that had transpired during this investigation, on the 21st, I forwarded the document called for, also every subsequent communication to and from Mr. Brown; also the investigation I had made into the charge preferred by Wattachee against Coomba Moideen for stealing and carrying away her and her daughter to Anjara Kandy, viz. the deposition taken by commission of the rajah of Cherical, the owner of Wattachee and her daughter; of Wattachee's brother, Poliar Wellan; and of Coomba Moideen himself, who had made a full confession that he had committed the theft laid to his charge; and I concluded with telling the judges, that if they now thought that a prosecution could be supported without a complaint being preferred by the proprietors of either free-born or bondsmen, I would instruct the government vakeel to prosecute them in the same way I had done on the 28th of December in case (N° 15.) on the first calendar, when I committed the moplas of Mahe, on whom, as I have noticed in my 5th paragraph, I found nine of the unfortunate exiled and enslaved free-born children.

F. 7.

F. 14.

K. 1.

54.—I have already informed the government in the 6th paragraph that I had committed, to take their trial before the court of quarter sessions, at the suit of government, these moplas; accordingly they were brought to trial in case N° 15 on the calendar; but on the 22d, I received a warrant from the judge of sessions, "that the court had declined proceeding to the trial of the case."

L. 1.

55.—The following is copy of that court's "orders." "The law officer objecting to the legality of the circar vakeel being appointed as prosecutor in case N° 15, wherein three persons, inhabitants of Mahe, and subjects of the government, are charged with being accessaries to the kidnapping or theft, and selling as slaves of nine non adults, said to be of free parents, natives of Travancore, whilst it appears that these children have parents and other relatives now existing; and the judge being further of opinion, that the case falls under the provisions of Regulation XI. A. D. 1809, whereby it is enacted, that the orders of government are specially required to bring persons, subjects of the Honourable Company's territories, to trial for offences committed by them in the dominions of a foreign state, which do not appear to have been issued in the case in question, the court has declined proceeding to the trial of the case. The judge deems it further necessary to give it as his opinion, that on the evidence as it now stands, and facts stated, the conviction of the persons whom the magistrate has brought forward, is absolutlely hopeless, since, even was the fact of the stealth of the children substantiated by legal evidence, it seems impossible to prove that the prisoners residing at Mahe, could have been privy or accessary to a crime committed in Travancore. Should the magistrate however determine to refer the case for the orders of the Honourable the Governor in council, pursuant to the provisions of Regulation XI. of 1809, above quoted, he may still keep the parties held to bail, otherwise he will be pleased to discharge them therefrom."

56.—On the 24th, I received a precept from the provincial court, informing me, that in expressing the opinion, viz. that the parents or relatives of free born, and masters or proprietors of bondsmen, children, or adults, should come forward with the charge as contained in their orders of the 13th; they "had in view the provisions of Regulation XI. of 1809, which seems to consider this indispensible, and which further reserves the determination as to the bringing to trial of the persons who may be thus charged, to the Honourable the Governor in council. That the above opinion had no reference to the case of the theft of the female Poolia Waltachee,

F. 15.

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by the mopla Coomba moideen, which, in common with other crimes committed within the limits of the Honourable Company's territories, is directly cognizable by the courts established thereon; as however the law officer objects to the government being prosecutors where they are owners of the property stolen, it seems to be expedient that the Cherical Rajah should appoint a person to carry on the prosecution in his name, and on his behalf."

57.—On the provincial court's precept I have to observe, that in the orders received in their second precept, dated 15th January, desiring me forthwith to return the 16 Pooliars I had detained, they certainly say, with the exception of Waltachee, but immediately afterwards they tell me, " in regard to this person, as well as the others, I was not taking the most direct or efficacious means to ascertain whether they had been actually stolen, which at present rests solely on the declarations of the slaves themselves, and that unless a charge of this kind shall have been previously preferred by the proprietors of the bondsmen, and other evidence adduced thereof, they did not see that under Regulation XI. of 1809, or any other regulation, a prosecution can be supported."

58.—Admitting, however, that this opinion did not refer to Waltachee, and that a prosecution could be supported against Coomba Moideen, on the grounds of the declarations of the slaves themselves, the same arguments would apply to the whole of the Pooliars stolen from South Malabar, and even to 14 out of the 16 Pooliars lately imported from Cochin; in the depositions of the latter, two stated they were taken from Cherical, and carried to Anjara Kandy by the mopilla Coomba Moideen, twelve, that Wappen and Country Parry, had brought them from Cochin; all three of these mopillas were natives of Malabar, and the offences committed by them, were in places within the limits of the Company's districts.

59.—In the provincial court's orders, dated 10th January, they say it was " their intention, so soon as certain explanations, Mr. Brown has been invited to afford, had been received from that gentleman, to refer the whole of the proceedings to the Sudder Adawlut, to which court they conceive they were the proper channel of reference. This was in answer to where I stated my intention of forwarding the whole of the papers up to the presidency." Uncertain what object the judges had in view, by saying, the Sudder Adawlut was the proper channel of reference, I explained on the 13th, that it was my intention "to make a full report to the government for the purpose of being submitted for the opinion of the Company's law officer, as far as related to Mr. Brown, and to commit those persons who were amenable to the Company's local courts for trial." This however did not produce the wished for explanation; nothing more is said of Mr. Brown, or of a reference to the Sudder Adawlut; but on the 22d January, I received a precept from the court of sessions, declining to try the natives, on the ground, " that the orders of government are specially required to bring persons, subjects of the Honourable Company's territories, to trial for offences committed by them in the dominions of a foreign state; that if I should determine to refer the case for the orders of the Honourable the Governor in council, pursuant to Regulation XI. 1809, I might still keep the parties held to bail, otherwise I must discharge them therefrom. Another reason for not trying the prisoners was, that the law officer objected to the legality of the cirkar vakeel being appointed as prosecutor, whilst the parents or relations of the freeborn children, who had been kidnapped and sold as slaves, were existing." And the provincial court, in a precept dated 24th January, communicate their orders to the same effect.

L. 1.

Vide A. proceedings of Magistrates.

60.—In answer to the first of these objections, it will be sufficient to state, that the three persons committed in Case 15, were charged with strong suspicion of having been privy to the kidnapping nine free-born children, natives of Travancore, depriving them of their koodema (lock of hair), putting the mopla dress on them, in having secreted them at Mahe. The grounds of commitment were, the nine children had been found in their houses after a good deal of difficulty, and even denial at first on the part of the prisoners; but all of them afterwards, when the children were found, confessed they had been sent to them from Aleppi by Wallapatagate Assen Ally; one of them in his defence said that Wallpatagate Assen Ally had been already punished by order of the resident of Travancore, while the whole of the children declared they had been stolen; some, while asleep, others while out tending cattle, cloths thrust in their mouths, and in this manner carried off to Wallapaligata Assen Ally, at Aleppi, and by him sent off by water to Mahe; as far therefore as related to these three moplas, I don't see how they could come within the intendment of the enactment of Regulation XI. A. D. 1809, because they were all three natives of Mahe.

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Mahe, and subjects of the Company's government; the crime they were accused of, they had committed at Mahe, which place was in the Company's dominions; they had received and secreted these children in their houses at Mahe, and every day's, every hour's detention of them was a fresh injury done them; there was not a day that they did not cry and entreat they might be restored to liberty; the mopillas did not actually steal those children in the first instance; but unless it can for a moment be supposed, they could have unknowingly received and held in slavery free-born children who had been stolen, they must be considered as liable to the same penalties as the principals. When the children were brought before me, a more afflicting spectacle cannot be conceived; their appearance was wretched in the extreme; the boys had been deprived of their koodima (lock of hair), the girls dressed in a dirty mopla koopai, and all cried at their having lost their caste, and were not pacified until I took off the mopla dress, and assured them they should not go back to the moppilas, but that I would restore them to their country and their parents.

61.—In answer to the second cause for not trying these moplas on the ground of the illegality of the sirkar vakeel prosecuting, I can only say, the objection has never before been made, although many prosecutions have been carried on at the suit of government, from the absence, accidental, unavoidable or intentional, of the complainant to prosecute, and if this had not been done, the ends of justice would, and may still be defeated, by every offender who has money, influence or address sufficient to bribe, intimidate or prevent their accusers coming forward; in the present instance, it is impossible to conceive, either on the score of expediency, justice or humanity, a case where the appointment of a person in that capacity is so necessary, because the best laws will not execute themselves; and it is very improbable, that the parents or relations of the free-born children, stolen as they were from the most remote parts of Travancore, ever will know where their children were carried, or even admitting that they do know of their having been transported to Malabar, and that part of them were in the possession of a European, in the state of ignorance and dread the people of Travancore are of British subjects and British laws, it is hardly likely that any one of them would have the courage to come before a British court of justice in the character of a prosecutor of a European in Malabar; there is a local (painful as it is to me to say it) and more powerful obstacle to deter individuals from prosecuting Mr. Brown, or any one of that party, before the provincial court; but though the Travancorians may not be aware of this bias in favour of individuals, if they do chance to hear where their children and slaves are, they will also hear the protection that has been given to Mr. Brown, by the provincial court, in these his unlawful acquisitions.

62.—I now return to the provincial court's modified orders of the 24th January, relative to the female slave, the property of the raja of Chericul, who with her daughter had been found in Mr. Brown's possession at Anjarakandy, whither she had been carried by Coomba Moideen. On the receipt of these orders, I sent a peon to Anjarakandy, to bring Waltachee and her daughter, as also Coomba Moideen (whom I had admitted to bail), and the several persons he had implicated in his confession; about this time Wallapatagata Assen Ally had appeared before me, and stated, that he had omitted in his examination on the 8th, two pooliar children, that instead of six he had sent eight persons from Alleppi, to Mr. Brown. I wrote to Mr. Brown to deliver them up, which he did accordingly, and at the same time informed me, that the eight children mentioned by Assen Ally were all taken to Tellicherry by my own people, and two of tkem sent back by my own orders, with other pooliars, for what purpose he knew not; Mr. Brown could not have forgotten that in his ante-dated letter of the 4th January, he had informed me, Assen Ally had sent him six persons to work on his plantation until his return from Travançore, and that he (Mr. Brown) had no claim on them; and in regard to the other persons I had forcibly deprived him of, it was totally false that they were stolen or kidnapped, nor did any one of them assert any such thing. This surely is conclusive, that Mr. Brown then insisted upon his right to all the pooliars on his plantation, with the exception of these six persons; the judges of the provincial court understood him in that light, and accordingly ordered me to restore, with the exception of these six, all the persons brought to Tellicherry to Anjarakandy; they were accordingly sent back, and amongst them (I now find from Mr. Brown's letter), the two additional children Assen Ally had on the 20th January informed me, were amongst those he had supplied to Mr. Brown, and yet Mr. Brown, when they are sent back, receives them as if they were his own property,

Vide F. 15.

H. 4.

E. 15.

16.

Vide E. 8.

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and not a word does he say about them, nor in all probability would he ever, but for the accidental communication made by Assen Ally, and my demand on Mr. Brown in consequence thereof.

63.—To return to the case of Waltachee and her daughter Waltachee, they both came, as did Coomba Moideen and his accomplices, as also the brother of Waltachee, and finding all their depositions agreeing in the principal points, and

K. 2. corroborative of what Waltachee and her daughter had stated, I wrote to the Chericul raja, and desired him to send some person to see these two pooliars, and if his, to take charge of them, and appoint a person to carry on the prosecution in his behalf; the raja did so, and his vakeel having recognized Waltachee, preferred a complaint against Coomba Moideen and his accomplices.

3. 64.—I immediately issued a warrant to Mr. Brown, stating that Waltachee and her daughter had been claimed by the raja of Chericul as his rightful (jelm) property; that in the proceedings held before me, there were the strongest grounds to suppose they were, and that they had been stolen from him; but that as he, Mr. Brown, had in his letter dated the 4th, declared he was perfectly prepared to support his right to all the pooliars and persons (with exception of the six free-born children sent by Assen Ally), brought from his plantation, who had alledged they had been kidnapped, of which number were Waltachee and her daughter; I desired him to attend either in person, or by vakeel, on the 3rd February, to account for the manner in which Waltachee and her daughter had come into his possession, and to make good his right to them.

K. 4. 65.—On the 3d, a peon came to the court, and called one of the court vakeels to Mr. Douglas's house, and when he returned, he brought a vakeelutnama, signed by Mr. Brown, and witnessed by Mr. Douglas and Captain Ravenshaw, and with it a paper, in the vakeel's name, which were delivered into the court, by which Mr. Brown acknowledges that he had no claim whatever to Wattachee and her daughter, that one day in 987 (no month) he heard that Koomba Moideen, of Anjarakandy, had brought them with mopla hoossais on them; that he ordered Moideen to be called to him, but he was not to be found; that four days afterwards, he sent his servant Bawa to call Moideen's brother Perry, who came with the two poolies; when he asked Perry how these poolies came there, that Perry answered, his brother Moideen had brought them, but how he had got them he knew not, and then said until Moideen's arrival, let them remain with Saib; in consequence of which, they were put with his Mr. Brown's pooliars until Moideen's return, and the truth could be ascertained; but that before Moideen came, and the truth could be ascertained, an order came from the court to carry away all the pooliars, at which time he told Chatoo Menon (one of those who came with the court's order) that these two pooliars were not his.

66.—The accounts given by Moideen Perry and Brawa differ widely from the above. This is certain, that Wattachee and her daughter were stolen by Coomba Moideen, from the rajah of Chericul, and carried to Anjarakandy, and there taken possession of by Mr. Brown, and placed amongst the slaves on his plantation, where they had been ever since Kartladakeen, 986.

67.—Mr. Brown has said, that he told Chatoo Menon that these two did not belong to him; this is denied by Chatoo Menon and the whole of the persons who were present during the search on Mr. Brown's plantation; and the presumption certainly is in favour of the veracity of the latter, when Mr. Brown is totally silent on this point in all his letters to me, and even unqualifiedly declares as false, that

Vide E. 8. the pooliars (with the exception of six sent by Assin Ally) were stolen or kidnapped, or that any of them said so to Chatoo Menon, when questioned by him at Anjarakandy; and further, that he was perfectly prepared to support his right to them, so soon as his property is impeached. But, in my opinion, no further proof is requisite, than the simple fact of these two poolies having been found in Mr. Brown's possession. He acknowledges they were brought before him; he must then have known by the same means that I did; viz. from their own mouths, that they were

K. 2. the property of the raja of Chericul, and had been carried off against their will; Bursa, Mr. Brown's servant, declares he heard them tell Mr. Brown they had been stolen by Coomba Moideen; I fear, therefore, Mr. Brown will be considered in the eye of the law, as having incurred the same penalties as the principal. I have

K. 5. sentenced Coomba Moideen to receive the full extent of the punishment I am empowered to inflict, for the robbery in the first instance. His brother Parry, Pockroo Toopra and Bowa, being accessaries after the fact, I have sentenced to three months imprisonment; the former I did not commit for trial before the court

of

of quarter sessions, because I viewed his offence as admitting of some alteration in the countenance he met with in Mr. Brown, whose orders are considered as law within the five deohmns of Anjarakandy, since they were leased to him by government.

M.

68.—The necessity for some example to deter others from this abominable traffic, is becoming daily more obvious; I have now a complaint before me, preferred by Changara Ooni Tiri of Koltatnaad, against three moplas for coming during the night time of the 3d of this month, and taking off his estate his poolie (female slave) and her three children; I have not got through the case, but should from the aggravated nature of the case, I have no other alternative than to commit them for trial; I shall be prepared to expect that some ground will be found for their acquittal, and the government will see abundance of reason for such apprehensions in the sentiments expressed in the precepts from the provincial court and court of sessions, more especially on the following paragraph of their orders, declining to proceed to the trial of the Mahe mapillas, in whose houses were found secreted the nine kidnapped free-born children. "The judge deems it farther necessary, to give it as his opinion, that on the evidence as it now stands, and facts stated, the conviction of the persons whom the magistrate has brought forward, is absolutely hopeless. Since even, was the fact of the stealth of the children substantiated by legal evidence, it seems impossible to prove that the prisoners, residing at Mahe, could have been privy or accessory to a crime committed in Travancore." There is, however, a case still more in point, that has happened within the last few days, and which, as having excited a good deal of attention, I here relate.

Original.

L. 1.

N.

69.—Seven moplas, natives of Chericul and Canincore, were charged on the 8th of November last, by poolian Chakane Kantryan, for kidnapping his three children, the eldest twelve, the second nine, and the third seven, and putting on them the mopilla koopoi, and afterwards selling them. The children were, at the time, living under the protection of the father, and never had been separated from each other, the mother was dead. The two first prisoners acknowledged that they had gone with two others, and carried away the children, without their father's knowledge, but had been ordered by one Wingaden Pally to do so, on the plea that he had purchased the freehold right of them from one Oonicha Koorass. Third and fourth prisoners, said Wingaden Pally had desired them, after the children were brought by two first prisoners to take them to Cananore for sale, that they accordingly sold one to fifth prisoner for 20 rupees, one to sixth prisoner for 15 rupees, and the other to seventh prisoner for 13 rupees, out of which they received each six rupees for their trouble; the three last prisoners corroborated the above. The children declared they were seized by the first and second prisoners while tending cattle, and that when they cried out they were beat, when brought into court they were dressed as moplas. They intreated that they might be returned to their father, and the moppilla koossagima taken off from them. The prisoners were accordingly committed on the above grounds, on the 21st November, to take their trial in case N° 8, on the calendar.

L. 2.

70.—On the 3d January I received a precept from the court of quarter sessions, stating that the law officer had objected to the right of the person whose name appears as prosecutor to be acknowledged in that capacity, that he was of the poolian caste, and slave of Eleadatil Namboodry, consequently his children (the stealing of whom forms the grounds of the charge against the prisoners) are the property of the said Namboodry; also, that the Namboodry should have been called upon, and have had an option to prosecute the prisoners for stealing or unlawfully obtaining possession of his property, the three pooliars, the children in question, and concluded with desiring this might be done without delay.

L. 3.

71.—On the following day I informed the judge of sessions that the Namboodry should be sent for, but it would be of no use, as it did not appear that he had any claim on the children, who by the usages of North Malabar were the property of the owner of the mother and not the father; that the owner of the mother was Waraperata Asseem Cooty, who had remonstrated with the prisoners for having stolen the children and put on the mopla koopai, but that, not succeeding in obtaining restitution, he it was who had advised the father to bring the present prosecution.

L. 4.

72.—On the 17th January the judge replied, that as it would appear, that the attendance of the Namboodry was unnecessary, still as there appears much confusion whether Waraporate Assen Cooty was the proprietor, or one Oomiha Koorup, of these three children, desired me to investigate this point. On the 20th I made my return to this order, and forwarded the further proceedings I had held.

L. 5.

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6. 73.—On the 21st I received the following official memorandum from the judge of sessions: "Let the prosecutor and witnesses be released from their recognizances, the prisoners Oomchan Koorupo, Kooman Kalenden, Pallen Mamoo, Iram Moideen, and Koonamporate Pakroo Cooty, may be delivered up to their bail; Mungaden Pally, who has been arraigned and tried with the others, may be admitted to bail; and the following prisoners, who were not tried, as the prosecutor preferred no charge against them, may be released from their bail and discharged, viz. Pally Candy, Moossa Checoonen, Coontry Panicys and Awerande Cuntry Pakin."

7. 74.—I immediately wrote to request the judge would inform me, whether the children who had alledged they had been stolen, and had the mopla koopayum, were to be delivered to the persons on whom they were found, or restored to their

L. 8. father. The following is his answer: "In reply to his reference of the 21st the magistrate is directed to deliver over the three poolia children to Waiporate Cheria, Assen Cooty, the prosecutor in case N° VIII. and who, as far as yet appears, is their jemmi or proprietor." And, finally, on the 18th February I received a warrant acquitting all the aforesaid prisoners of the charges laid against them respectively, and desiring me to release their bail from their recognizances and discharge the prisoners.

O. 75.—The court's objections to the father being acknowledged as the prosecutor are unprecedented. In a case tried, 1st sessions 1808, for the murder of a poolian, his poolie or wife appeared as prosecutrix; the trial went on, and the prisoners were sentenced to and suffered death. But no objection was then made to her right of being acknowledged in that capacity, although the poolian who had been put to death was lost to the owner much more effectually than the children were in the present case, and agreeable to the opinion of the law officer, as contained in the court's precept, he was the person aggrieved, and in Mr. Clephane's words "should have been called to prosecute the prisoners."

76.—It will, however, be found by the usages of Malabar, the owner of the mother of the kidnapped children had no legal claim to them because they were not adults, until when they cannot be separated from their parents. It was this consideration that induced the owner of the mother, Assen Cooty, to send for and instruct the father (the mother being dead) to prosecute the moplas who had robbed him of his children. He was then lawful as well as natural guardian during their minority, and surely a fit object for redress in a British court of justice. Assen Cooty, to whom the court of sessions ordered the children to be given, has waved his right on the grounds of that order in favour of the father, who in consequence has required possession of his daughters. But whatever difference of opinion there may be on this question, the restitution of these children to Assen Cooty at all events establishes the fact, that the prisoners had no claim to them, who therefore must have stolen or unlawfully obtained possession of them.

P. 1. 77.—And in regard to the penalties attached to the stealing of children or other persons, the following clause appears in the 60th section of Mr. Duncan's observations: "As far as I have been able to trace the laws which are provided against this crime by the Mahomedan code, they are as follows: 1st. From the book called Room Ullatabur (as pointed out by the Cawzee of Calicut), if any one hath from a place of security stolen away a slave, who is not capable to discriminate and is young, and a stranger, or from another land, such thief's hand shall be cut off, and the same also, if the party stolen be capable of discrimination, but inebriated or asleep, or taken by compulsion. 2d. If any one steal a free child his hand is to be cut off, which is the ordination for such thefts or stealing committed from a place of security, and that term is taken for a house and the like."

78.—The prisoners, it would then appear, had done what by law they were not warranted to do, and their offence was considerably aggravated in their having clothed the children in the mopla koopayum, which in Malabar is held equivalent to proselytism. This offence has always been punished, even under our own government; so late as 2d sessions 1807, a mopla was tried for enticing a koorchan's and (mountaineer's) child, and cutting off the koodima (lock of hair), the

Q. distinguishing mark of caste; he was found guilty, and sentenced to three years imprisonment and hard labour and 24 stripes.

79.—But from the earliest period of the administration in Malabar, kidnapping, because involving a loss of caste as well as liberty, has been considered as a most heinous offence. So early as April 1793, there are two instances on record, of two natives of Tellicherry, who had been charged with decoying children and selling

P. 2. them as slaves, having been sentenced to be flogged through the bazar of Tellicherry, then to be sent to Bombay, for the purpose of being transported to the Andamans.

80.—The

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80.—The commissioners, Messrs. Duncan, Page and Boddam, in a letter, dated 15th June 1793, wrote to the chief and factors of Tellicherry, as follows: "Finding it asserted by Shamnath, that the practice of shipping kidnapped and other natives as slaves from the several ports on this coast, is still more or less continued, notwithstanding the various prohibitions which have been issued against a practice so nefarious, so destructive and so inhuman, in whatever light considered, we do think it our duty to require your most unremitted attention to prevent any such transaction in time to come."

P. 4.

81.—And in a letter from the Honourable Company to the government of Bombay, dated 5th August 1796, is the following, paragraph 3, "we are pleased to find, that from the measures pursued by the Malabar commissioners, so much to their honour, and the orders issued in consequence thereof, an entire stop has been put to this inhuman traffic in the province of Malabar."

R. 1.

82.—There is one case to which I beg to call the particular attention of government, because all the present three judges of the provincial court had some share in the decision. A Tean boy went before Mr. Stevens, the present first judge, in 1799, and stated he had been stolen at the age of six years by some mopplas, brought to Tellicherry, and sold to a serjeant, who had transferred him, till he at last came into the possession of a Mr. Robinson, and in this manner was possessed for 10 years, not as a slave exposed to hard labour, but an attendant on the daughter of the owner. Mr. Stevens referred the subject to the commissioners then of Malabar, for their orders; at the same time informing them, "he had made inquiry regarding the regulations that existed in Tellicherry during the time of the chief and factors, relative to the purchase of slaves, and found that it was a standing order, that no person could buy or transfer a slave without both parties coming before the chief, and proving how the vender became possessed of him, when, if the proofs were satisfactory, the sale was registered, otherwise the slave was liberated; that he had found a letter from the government of Bombay to the chief and factors on the subject; and that he had examined the Register of Slaves from 1779 to 92, but could not find any registry of the slave in question."

R. 2.

83.—In answer to this, the commissioners gave their opinion, "That the orders of government addressed to the chief and factors of Tellicherry do undoubtedly cancel any claim that Mr. Robinson may have possessed to the boy in question;" exclusive of which, the Commissioners observe, by a voucher to the general report from the chief and factors of Tellichery, wherein "they declare that the utmost vigilance and pains have been constantly exerted by them to put a stop to so nefarious a practice; and that they had, in numerous instances, been successful in discovering persons in a state of slavery who had been kidnapped and sold, even as far as Bombay, and had the satisfaction of returning them to their families." The commissioners then remark, "if such was the practice when we had no political interest in the welfare of the country, they would, independent of the first stated reason, have, without hesitation, directed the emancipation of the boy in question." Accordingly the boy is emancipated, and a certificate given him under the seal and signature of

R. 3.

Mr. Stevens, declaring the boy perfectly free, and that no person has any right or

R. 4.

title to claim him as a slave. Mr. Stevens also writes to Mr. Robinson, advising him of the same, or to use his own words, "I have given him a certificate of his freedom under my official seal and signature, of which I hereby give you notice, and warn you at your peril from giving him any molestation."

84.—On this occasion, it does not appear that a "charge had been previously preferred by the parents or relatives, or proprietor of the boy, and evidence adduced thereof," while, on the other hand, Mr. Robinson offered to prove his right by adducing proof of the registry of the boy at Bombay; this, he is not allowed to

R. 5.

do, though so necessary to the vindication of his own character against the suspicion of having in his posession a slave unlawfully come by; and yet do the judges of the provincial court, in direct opposition to their former official acts, notwithstanding the "various prohibitions which have been issued against a practice so nefarious, so

Par. 80.

destructive, and so inhuman, in whatever light considered," and above all, in violation of a positive Act of Parliament, pronounce, as totally illegal, my calling to Tellicherry 76 individuals who had stated they had been stolen and exiled; order me peremptorily to immediately send them back to Mr. Brown, and for what? "in

Par. 48.

order to lessen as much as possible the injury to which Mr. Brown's interests have been exposed, by their long and continued detention. They further express their deliberate opinion, that they did not see that a prosecution could be supported against the persons charged in the declarations of those 76 persons (free-born and

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bondsmen), unless a charge shall have been previously preferred by the owners of the bondsmen, parents and relations of the freeborn children."

85.—Why the declarations, and above all, concurrent testimonies of so many individuals, are to go to naught on the present occasion, I cannot comprehend. Evidence of slaves never has been rejected in a British court of justice; and there are instances of persons who have been tried and convicted of murder before the judges of the provincial court upon the complaint and testimony of Pooliars; and others again where slaves, and even one of Mr. Brown's, had been tried and sentenced to banishment for life. If these people are not, then, disqualified from giving evidence, if they are amenable in their own persons to the laws, it would be inconsistent in reason or justice to deny them the full benefit of, and protection afforded by those laws. The servitude they are doomed to by the usages of their country, is sufficiently deplorable and humiliating without our adding to their degradation.

86.—The government of Madras, "in any of their orders, have never made any such distinction; and even the very letter upon which Mr. Brown founds a claim to immunity, makes against him. The part I allude to is as follows:—"The collector should be ordered to refer the slaves to the magistrate, if they have any complaints against the persons who call themselves their masters."

Par. 15.

87.—But there is a very recent order still more applicable, because it refers immediately to Mr. Brown; it was issued on the occasion of the severe punishments he inflicted on some of his slaves. "It is the desire of the Honourable the Governor in council that the misconduct of Mr. Brown, in this instance, be prosecuted to such legal issue as may be proper."

Secretary's Letter, 15th May 1810.

88.—The learned translator of the Hedaya, in his preliminary discourse under the head of manumission, says, "The law in many instances affords them (slaves) protection against injustice, and declares them to be claimants of right. In some particulars moreover provides an alleviation to this otherwise most hopeless and degraded state of man, unknown to the more polished inhabitants of Europe, as may be perceived in perusing the laws with respect to Am Walits Mekâhbs Modalbris and Mazooms."

Original.

90.—I trust I may be permitted to make a few observations on the authority exercised by the judges of the provincial court over me, as far as this inquiry extends to Mr. Brown. I cannot find in any of the regulations that the judges of the provincial court possess jurisdiction in criminal matters relating to British subjects; it is, therefore, extremely doubtful whether they are vested with the power they have exercised on the present occasion, in taking cognizance of the facts set forth in a petition from Mr. Brown against me, while discharging my duty as one of His Majesty's justices of the peace, (laying aside the scandalous purport of it, which alone was a sufficient ground for its rejection,) and issuing the orders they have to me. To my humble judgment, the more direct course would have been to have told Mr. Brown, if he felt himself aggrieved, to seek redress by petition to the government, or to the supreme court of judicature; both of which there is no doubt of his disposition to have done, if he really doubted "the legality of my conduct" towards him, or considered my requisitions in the light of undue exertions of authority.

Par. 23.

91.—But, admitting that the judges of the provincial court were authorized to receive and take cognizance of the facts set forth in Mr. Brown's petition, and to controul my acts, I affirm they are as strictly bound by the spirit, intent, and meaning of the legislature as the justice of the peace is; and whatever doubts were, in their opinion, to be entertained as to the fact of the children and adults found on Mr. Brown's plantation having been kidnapped, there was no mistaking the laws which have been enacted abolishing the slave trade, which do not admit of an exemption in favour of Mr. Brown, or any other natural born British subject; their operation, therefore, must be considered as extending to countries where domestic slavery is recognized by the local usages and the Musselman law. By the Act of Parliament, the prohibition extends "to all subjects of Great Britain residing here, or in our foreign countries; to all the natural born subjects of His Majesty, wherever they may reside, or residing in any part of His Majesty's dominions, whatever may have been their native country, either directly or indirectly carrying or assisting in carrying on a traffic in slaves;" and every method by which British subjects may be conceived to aid the slave trade is anxiously enumerated, all are declared unlawful; and all slaves imported subsequent to 1st January 1808 are entitled to their freedom; while the convicted slave trader is subjected to transportation for fourteen years, or to imprisonment and hard labour for five years.

92. Mr. Brown

Fort St. George Papers: State of Slavery in Company's Territories.

92.—Mr. Brown admits, that he has purchased several Pooliar children, and imported some even very lately from Cochin. Confining myself, therefore, to this fact, Mr. Brown has done what by law he was not warranted to do; and in this view of the subject, laying aside the consideration of enslaved free-born children and bondsmen having been found in his possession, who had been stolen, I conceive I should have been fully justified in all that I have done, and perhaps much more. If, however, contrary to my own opinion, I am in error, it is an error in favour of humanity; but I will not for a moment anticipate the possibility that any thing like a vindication of my conduct will be required; on the contrary, I am willing to believe the Honourable the Governor in council will view the transactions I have here brought to light, as involving the reputation of the British government for justice, humanity, and sound policy, and as such requiring the interposition of their authority, in such way as shall prevent unprincipled individuals from embarking in this traffic in future.

93.—And in regard to Mr. Murdock Brown, his accomplices Wallapagate Assen Ally, Bawa country, Perny and the three moplas of Mâhe, I beg to submit to the consideration of government, the expediency of referring to their law officer the proceedings held before me, as far as they relate to Mr. Brown, that I may have the benefit of his legal opinion as to the steps proper to be taken against that person; and in regard to the natives, I trust the government will issue special orders under the provisions of regulation XI. A. D. 1809, without which the provincial court of circuit will not proceed to their trial.

94.—I have now to report, that the two Poolies, Wallachee and Wattachee, have been restored to the Chericul Raja, their lawful owner; that the six free-born children and two Pooliar children, found on Mr. Brown's plantation, and the nine free-born children found at Mahe, have been sent down to Travancore, that the resident may cause them to be restored to their parents or relations in the same way as the 11 already recovered by the Travancore officers were by the authorities at Marvilakana. I would also have sent back the 12 Pooliars who had been brought from Cochin to the resident of Travancore, to be restored to their proprietors, subjects of the Rajah of Cochin, but for the injunctions contained in the provincial court's precepts, dated 13th and 15th January; they are in consequence still with Mr. Brown, as well as the Pooliars and Wettoowars, natives of south Malabar, who declare they were stolen. The government will, no doubt, issue immediate orders for their restoration to their proprietors, as well as the enfranchisement of free-born children, natives of Travancore, who there is too much reason to believe have been recently imported into, and reduced to state of bondage, in various parts of Malabar.

95.—Before I conclude, I may be permitted to call the attention of the Honourable the Governor in council, to the great contrast shewn by the provincial court, in the extreme delicacy observed to Mr. Brown, and their unqualified disapprobation of, and opposition to, whatever I engage in; a disposition so far systemtized, that it forms the characteristic feature of all their proceedings wherein I am concerned, either as judge or party. Of this the government have a striking instance in their decree, in the prosecution instituted against the pundit of this zillah, for gross treachery, bribery and corruption; in fact it would seem, when I look back to the eventful period of the last four years, as if all the channels of justice were stopped in the case of delinquents; while all their severity and rigour were reserved for those who have the boldness to expose their crimes.

96.—Annexed I send, in an appendix, copies of all the documents referred to in this report; and have the honour to be,

Sir, your most obedient servant,
(signed) *Thomas Harvey Baber*, Judge and Magistrate.

Zalla, N. Malabar, 29th February 1812.

(A.)—Examination of first witness, Koroomba, daughter of Mooudden, Hindoo, of Teen caste, inhabitant of Poodecherry Cotta to the southward, aged 11 years; taken before the magistrate in the Zillah North Malabar, 6th Danoo 987, or 19 December 1811.

Question.—What is your name and caste?

Answer.—My former name was Koroomba, and now I am called Amina *; I am of the Tien caste.

* Not liable to slavery.

Fort St. George Papers: State of Slavery in Company's Territories.

Which is your country, and who brought you to this place?

My country is Poddicherry * Cotta Kagata, to the southward. My house name is Parrayer Vellaill. I was sent by Assan Ally Mopella from Allope to this place.

Did you come to Allepii with the consent of your parents?

When I was asleep in the kottool (verandah) a choan came, without my family or mother's knowledge, snatched me up, and thrust a cloth into my mouth so that I could not cry out; carried and delivered me to a Kaka †, who bored my ears and put in alakata, and sent me to Mahe.

* Travancore.

† Appellation given to Moplas.

How was you brought to Mahi?

I was brought in a manchoo that was bringing pepper, with two other children.

What are the names and castes of the two other children that were brought with you?

Their names are, Cockeddy Kally and Coche Munddon; they are of the Tien caste.

In what house were you kept at Mahi?

In tahil, with a umah; I don't know her name.

Where do you wish now to live?

I wish to return to my country, to live with my mother.

(signed.)

Examination of second witness, Kochedy Kally, daughter of Changrour, Hindoo of Chovan caste, inhabitant of Allepii, aged 12 years; taken before the magistrate in the Zillah North Malabar, 6 Danoo 987, or 19th December 1811.

Question.—What is your name?

Answer.—My former name is Kochidy Kally, and now I am called Allynea.

What is your caste?

My caste of Chowammar, not liable to slavery.

From what place did you come to Mahi?

I was sent from Allepi by Assen Ally Kaka to Mahi.

How were you brought to Mahi?

I was brought by sea on board a manchoo that was bringing pepper to Mahi.

Were you given by your relations that you were brought to this place?

My relations neither gave me nor did they know of it; at night, when I was asleep in the varandah, a chouan came, stopt my mouth, carried and delivered me to a mopella, who afterwards delivered me to Assen Ally.

Who was the person that put on you this koopay mopella dress?

It was Cockymanny, the mopella to whom I was first brought, that put on koopay; the alykata, &c. were made and given to me by Assen Ally Kaka.

Where do you now wish to live?

I wish to return to my country and live with my parents.

Where was you kept after you was brought to Mahi?

I was kept in the house of Assen Ally's uma.

Were there any other children brought with you when you were brought to this place?

There were a girl and a boy brought in the same manchoo with me.

What are the names and caste of these children?

The girl is called Korrumba, and she is of my caste, and now she is called Amina; the boy is of Corowar caste; his name is Cochy Moonddan, and he is called Ally.

Where were they kept at Mahi?

Vide examination of Koroomba.

They were not kept in the same house where I was kept; they were kept in other houses.

(signed.)

Examination of third witness, Edda Nuce, of Ambelly Poolla, aged 18 years, Hindoo Shuder, inhabitant of Alleppi, taken before the magistrate, in the Zillah North Malabar. 6 Danoo 987, or 19th December 1811.

Question.—What is your name and caste?

Answer. My name is Eddittes, and by caste I am a Shuder*.

Which is your country, and who brought you to this place?

My country is Allepii; and when I was asleep in the viranda of my house at night, I was stolen and embarked on board a manchoo, landed at Panang, and delivered to Assan Aly, with whom I lived upwards of a year. He got my ears bored, and put in alckata and a kupaya (mopella dress); and then I was embarked from Penang on board a manchoo and sent to Mahé, to Assen Aly's house, where I was kept for three or four days, and afterwards I was brought to this place.

* The appellation by which the Naise of Malabar are distinguished from all castes inferior to them.

Who was the person that stole you at night-time from your country, and gave you to Assen Ally?

I think it was Assen Ally's man who stole and gave me to Assen Ally.

Were you carried away with the consent of your parents?

No, my parents gave no consent.

Were there any other children brought with you?

No.

Where do you wish to live now?

I wish to be sent to my country, and live with my sister.

(signed)

Examination of fourth witness, Ayapen Rendoo Chowan, son of Cannen, about eleven years of age, inhabitant of Karomapally southward, taken before the magistrate, in the Zillah North Malabar, on the 6th Danoo, or 19th December 1811.

Question.—What is your name?

Answer.—Before my name was Ayapen, but now I am called Kambaroo.

What is your caste?

Chowan.

From what country was it that you came to Mahé?

I was brought to Mahé from Allepii; Assen Ally Kaka sent me.

How were you brought to Mahé?

I was brought on board a manchoo, that was bringing pepper, and landed at Mahi.

Were you given by your parents to be brought to this place?

No, my father and mother did not know of my coming to this place; one day, at night, when I was asleep in the viranda of my house, a mopilla came, thrust a cloth in my mouth, carried me to his house, and kept me there for two or three days, and from thence he took me to Allipii, and gave me to Assen Ally; there I lived two days, after which I was sent to Mahé.

Who deprived you of your koodoma? †

The mopilla that seized me.

† Lock of hair on the top or front part of the head, the distinguishing mark of the Malabar Hindoos.

Where do you wish to live?

I wish to live with my mother.

After you were brought to Mahé, where were you kept?

In Coonhypaly Moselliar's house.

Were there any other children brought with you?

No, there were none.

(signed)

Examination of fifth witness, Coon Yangara, of Tekkakamapably, nephew of Tien Kartan Ayapen, aged about twelve years, taken on the 14th Danoo 987, or 27th December 1811, before the magistrate of Zillah North Malabar.

Question.—What is your caste and name?

Answer. My caste is Tein; my former name was Coon Yangaran, and I am now called Amod.

Fort St. George Papers: State of Slavery in Company's Territories.

What is your country, and in what manner were you brought from thence to Mahé?

My country is Tekkakaranapally;* my house name is Kartilly; about four or five months ago, while a nair was tending Kaya Kandin's cattle, near my house, my brother was also with him, tending that of a nair and teen; I went thither for the purpose of seeing my brother; when on the road, a mopla seized me and carried me off, shut me up in a room, and took me the same night to Kayangollata, deprived me of my roddima, and sold me to a mopla at Alleppii, and he gave me to Assen Ally, who kept me a short time, and afterwards put me on board a manchoo, and sent me to another mopla, with whom I staid a few days; after which I was again embarked in a manchoo, and sent to Toltan Baba, at Mahé.

* Travancore.

How many months is it since you have been brought to Mahé?

Above one month.

Were any other children brought with you?

One Kellen was brought with me to Mahé; my brother, a child, was embarked on board a ship at Allepii; after my arrival at Mahé, Nadan ‡ (my mother's eldest sister's son) and three other children were brought thither, and they were thence carried to Anjarakandy.

† The boy gave the same information in his examination before the darogah of Mahé, and it was in consequence of that information a search was made at Anjarakandy.

By whom was your brother sent on board a ship?

The very mopla who seized me seized him, and sold him to a mopla at Allapy, and he embarked him in the ship.

Who sent Nadan (your mother's eldest sister's son) and the other three children, to Ayarakandy?

After my arrival at Mahé, Assen Ally sent them to Ayarakandy.

Did either Assen Ally or Tolle Baba ask you of what caste you were?

Assen Ally Kaka asked me of what caste I was; I said that I was of Teen caste; no other person ever asked me the question.

(signed)

Examination of sixth witness, Chowa Cocka Mondru, late of Tekkaporoakaloo, nephew of Chown Christnan, aged nine years, taken on the 6th Danvo 987, or 19th December 1811, before the magistrate of Zillah North Malabar.

Question.—What is your name?

Answer.—My name is Cocka Mondden; I am now called Aly.

What is your caste?

My caste is Chown.

From what place did you come to Mahé?

Assen Ally Kaka sent me from Allépii to Mahé.

In what manner were you brought?

I was embarked on board a manchoo that was bringing pepper, and landed at Mahé.

Were you given by your relations to be brought to Mahé?

My relations neither gave me, nor did they know of my having been thither; one night, while I was asleep in the viranda of my house, a Chowa (whose name I do not know) came, seized me, took me to Allepii, and sold me to one Pathooma, who sold me to Assem Ally.

Who deprived you of your koodima?

Pathooma, who first brought me from the cowa.

Where do you wish to live now?

I wish to live in my country, if I can be protected from being again stolen.

At what place were you kept after you came to Mahs?

I was kept in Assen Ally's mother's house.

Were any other children brought with you?

These two young girls were brought with me, pointing to Cockady Rally and Koroomba.

Of what caste are those young girls, and what are their names?

They are both of Chowa caste; the former name of one is Coroomba, and she is now called Amina, and that of the other is Cockeddy Rally*, and she is now called Allima.

At what place were they kept at Mahé?

Caroomba was kept in the same house I lived in, and the other one was carried to a house in the northern side; and I do not know that house.

(signed)

* Vide Examinations of Coroomba and Cocheddy Rally.

Examination of seventh witness, Tarrapedekel Changaram, of Tekkakalaloo, son of Corawen Candru, aged about twelve years, taken on the 6th Danoo 987, or 19th December 1811, before the magistrate of North Malabar.

Question.—What is your caste and name?

Answer.—My caste is Corawan; name, Changaran, and am now called Sallimy.

From what place were you brought to Mahé?

I was carried from Quilon to Allapy, from whence Assen Ally sent me to Mahé in a boat.

Were you given by the people whom you belong to, to be brought to that place?

The people to whom I belong did not know of my having been brought thither; while I was tending cattle Teen Moplas came, seized me, thrust a cloth in my mouth, and took me to a jungle, and at night-time they put me on board a manchoo, caused me to be carried to Allapy, and gave me to Assen Ally Mopla.

How many months is it since you have been seized?

I was detained one month in Allepy, one in month Pamanywith Tolla Baka; it is two months since I have been brought to Mahé.

In what manner were you brought to all those places?

I was taken both to Pamany, and from thence to Mahé, in a manchoo.

In whose house were you placed at Mahé?

At Assen Aly Kaka's.

Were any other children brought at the same time with you?

I was alone sent to Pamany; and after my arrival, two children were brought there, one of which was sent along with me to Mahé, and the one (a young boy) was kept there.

What are the names of those two children, and of what caste are they?

They told me they were both of Chowa caste; the former name of one was Kellen, and he is now called Yarajipp, and the former name of the other, who was at Mahé, is Coon Yangaran, and he is now called Amod.

Do you know in what manner these children were brought?

They told me that they had both been brought away without the knowledge of the people whom they belong to.

Where do you wish to live now?

I wish to go to my country, to my mother and sisters.

(signed)

Examination of eighth witness, Oorepara Kellen Pendoo Wadon, son of Kengadam, aged about ten years, made before the magistrate in the Zillah North Malabar, in the 6th Danoo 987, or 19th December 1811.

Question. What is your name and caste?

Answer.—My name is Kellen; caste, Wadan.

Where is your country, and who brought you here?

My country is Wayacattanaad; my elder brother, Chenan, sold me to a mopla at Allapii, but I do not know for how many fanams; the mopla put me in a manchoo, and brought me to Allapy, and sold me to Assen Ally; I staid there two or three days, and then was put in a manchoo; I landed at Mahé, and made to stay with Assen Cotty, brother to Assen Ally, and thence I was brought here.

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Did not any other of your family know that your brother had sold you, as you have stated?

Nobody else of my house knew of my brother having sold me.

Where do you wish to stay now?

I wish to go to the place where my sister is; I pray I may be sent there.

(signed)

Examination of ninth witness, Coona Anda Hind, nephew of Canda Coran, aged twelve years, native of Cayamcollom, made before the magistrate, on the 6th Danoo 987, or 19th December 1811.

Question.—What is your name and caste?

Answer.—My name is Coony Anda, and cast Tier.

Where is your country, and who brought you here?

About twenty days ago, while sleeping outside in the viranda of my house in my country at Cayam Colton, three or four moplas came, thrust cloths into my mouth to prevent my crying out,.stole and took me in a manchoo to Allapy, and sold me to Assen Ally, who sent me to Ponany; from thence I was put in a manchoo by Tollan Babe, and sent to Mahé, and made to stay with Assen Ally's wife, whence I was brought to this place.

Was it with the consent of your relations you were brought away?

They did not give their permission.

At what place was your koddima shaved off, and who did it?

At Allapy, by Assen Ally mopla.

Were any other children brought with you to this place?

No.

Where do you wish to stay now?

I wish to be sent to my country. (signed)

Examination of prisoner Wallapagata Assen Cooty, brother to Assen Ally, inhabitant of Truvenaad Talook, Mahi Hobely and Tara, Mr. Dinem's servant, aged twenty-six years, made before the magistrate, 5th Danoo 987, or 18th December 1811.

What is your name?

Wallapagata Assen Cooty.

How many children were found in your house when the Delayet Coony Amboo was sent from this court to make a search in it?

These three children whom I now point out were found in my house.

Where did you get these three children?

The eldest one, now called Salamaty, was brought by my elder brother Assene Ally, when he came from the southward, about a year and a half ago; the little boy, now called Cambarn, was brought about four months, by Carriaden Baba, a boatman, who said Assene Ally had sent him to me; the girl now called Allyama, was sent about twenty days ago from the southward, by Assen Ally; a moonchoo man brought her here.

What is the caste of these three children?

I have not inquired about it.

You said your elder brother, Assen Ally, brought the girl Salamaty from southward; from what district was she brought?

She was brought when he, Assen Ally, came from Aléppi, in Travancore.

What business has your brother to the southward?

He went there as Mr. Brown's agent.

You said Assen Ally sent the boy named Cambi, and the girl named Alima, from the southward; from what particular district were they sent?

From Aleppi.

Do you know how your brother got these children?

I heard they were bought of their owners.

Mem.—The

Mem.—The prisoner here states, that besides these three children, a girl and boy were found in Assen Ally's house, where he (deponent) resides, which two were brought away by the delayet, and are also now present (showing them.)

What are the names of these two children?
The girl is named Amina, and the boy Aly.

What was their caste?
I never made an inquiry.

Mem.—Prisoner here says, another of the boys, now present, was sent up by Assen Ally, and brought by Tolan Baba, who has been kept in the house where he is married.

What is the name of that boy?
Yarajah.

Mem.—Prisoner here says, another of these boys was sent up by Assen Ally, and brought by Kanadan Baba from Panany, and kept in the house where Assen Ally is married; he is also present here.

What is the name of that boy?
Salamy.

What was his former caste?
I never asked.

From whence were the children named Amina, Ally, Yarajah, and Salamy?
The person who brought them up said they had been sent by Assen Ally from Alleppi.

How were the seven children, mentioned by you, brought to this place?
Some of them were brought in moonchoos to Mahé, and others by land.

Specify those children who were brought by moonchoos, also those children who came by land, and the people who brought them?
Cambara, Arajapan, and Salamy, were sent by Assen Ally, and brought by manchoo people, by order of Kairaden Baba; Salamaty was brought by land by Assen Ally himself; the other three also were brought to Mahé by moonchoos, but I do not know the names of the moonchoo people who brought them.

From whence did the moonchoo come?
It was a moonchoo that came from Panany, laden with merchandize.

The children say, the one you call Salamy, is a Nair girl; her former name was Idaty; and the others are Tier children, kidnapped and brought away without the knowledge of their parents and relations; did they tell you this?
I did not ask them; they did not tell me of it, nor did I know it.

Who was it that put these kopais on the girls, and caused their ears to be bored and put alikit in them?
I did nothing of the kind, they were so when they were brought.

Besides the seven children you have mentioned, how many were sent up by your brother since he went to Aleppi?
I have heard one was sent to Tolan Baba, and one to Country Pacroo Mossaliar.

Mem.—Prisoner here says, I heard my brother was taken to Marvilakara, and there inquired into, and the circumstances represented in writing to Colonel Munro, which had since been settled, because several people had been doing the same; but orders had been passed, that no one was to do so in future.

Have you any documents to prove the purchase of the children found in your possession?
They were brought to my house because Assen Ally sent them; I have no documents or writings.

(signed)

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Examination of Prisoner Mayel Moideen Cooty, Musselman Mopla, nephew of Calendar, aged 54, shopkeeper, inhabitant of Jevenaud Talook Mahi Hovely, and Tara, made before the Magistrate, 5 Danoo 987, 18th December 1811.

Question.—What is your name; where do you reside?
Answer.—Manayel Moideen Cooty; I reside at Mahi.

How many children were found in your house when the Delayet Coony Amboo was sent from the court to Mahi to search in it?
A boy only has been found in my house.

Where did you get that boy; what is his name and caste?
Wallapagata; Assen Ally sent him up; I do not know his caste and name; I do not live in that house.

From whence and why did Assen Ally send him?
Assen Ally is married to my niece, to whom he sent the boy from Alleppi.

How was the boy conveyed to Mahé?
I do not know whether by land or by water; it is three or four months since I went to that house.

How many months is it since the boy was brought; did you see him after his arrival?
About two months I saw him since his arrival, but said nothing to him.

Point out the boy who has been brought from your house?

Mem.—The prisoner points out a boy whose former name was Changaren, and present one Salaney.

(signed)

Examination of Prisoner Kaidallah Moideen Cooty, 7th Danoo 987, 20th December 1810, Inhabitant of Ivenevenaad Talook Mahi Hobely and Tara, made before the Magistrate, aged about 25 years, by trade a merchant.

Question.—What is your name, and where do you reside?
Answer.—My name is Kardalla Moideen Cooty; I reside at Mahé.

How many children were found in your house when the delayet of this court, named Coony Amboo, was sent to make a search in it?
I was not there at that time; when I returned, the people of my house told me, that a person had come and taken away a child.

Where did you get that child; what is its caste and name?
I do not live in that house, and I do not know its caste or name.

How long is it since that child lived in your house?
I do not know.

How did the child come into your house?
I do not know.

How many months is it since the child was in your house?
I do not know.

Will you be able to recognize the child which has been brought from your house?
A child was pointed out to me in the Daraga Chovey as taken from my house, which I should know again were I to see it.

(signed)

(B. 1.)—To the Resident of Travancore.

Sir:—There being too much reason to suspect that a considerable traffic is going on between Travancore and this province, in slaves, and that Walapetagata Assen Ally, now resident at Allapi, is the principal agent therein, I hasten to apprize you of the same, that you may take such measures as appear to you proper to secure that person, and will forward, in the course of to-morrow, some particulars which will not only confirm the fact, but that many of the unfortunate objects are children of Nairs,

Fort St. George Papers: State of Slavery in Company's Territories.

Nairs, Teans, and other casts, which never have at any period of the natural government of the country been considered in the light of slaves. I shall be obliged by you communicating at an early period, whether you have any reason to suppose this traffic is common, and if so, through what channels, and the names of the individuals concerned directly or indirectly in this Zillah.

I have the honour to be, &c. &c. &c.
Zillah N. Malabar, 18th Dec. 1811. (signed) *T. H. Baber*, Magistrate.

(B. 2.)—To the Resident of Travancore.

Sir:—I have the honour to forward a list of children who have been discovered at Mahi, chiefly at the house of Wallapillagata Assen Ally, the person referred to in my letter of the 18th, with a summary of account they have given of their parents, their place of nativity, and mode in which they were stolen and sent up here, with the names of the agents concerned in this inhuman traffic. One of the children having stated, that his brother and three others were at Anjarakandy, I lost no time in taking measures to rescue them also, and have received information from my servants, that they had discovered them and several other children who had been taken and banished from their relations and country under similar circumstances; a list of whom shall also be sent as soon as these unfortunates have been brought before me.

I shall not determine in regard to the disposal of these children, until I am favoured with your sentiments; they dread the idea of being delivered up to the moplas, and it appears proper in every consideration, that they should be emancipated, and restored to their friends; for, with the exception of Idiety, the niece of Ambilla Pilla, none of them I imagine will be considered as having forfeited their caste; and in regard to the girl Idiety, adverting to her age, and the circumstances under which she was associated with moplas, I should not think her case so desperate as to preclude her also being admitted to the privileges of her caste.

I have, &c.
(signed) *T. H. Baber*, Magistrate.
Zillah N. Malabar, 22d December 1811.

(B. 3.)—To the Resident in Tavançore.

Sir:—I had the honour to address you, under date the 18th and 22d ultimo, on the subject of a recent extensive importation of children from Travancore, and forwarded a list of as many as I had then traced; since then, six more free-born children, and sixteen of the Pooliar caste, have been discovered at Anjarakandy, who say they were, within the last six months, stolen from their relations or owners, and sent up to Mr. Brown. A list of them also, with the names of their relations or owners, is herewith transmitted. There were a considerable number more of Pooliars and Bettoowars, who stated they had been kidnapped some years ago, but none from Travancore.

I have already apprized you, that Wellapokata Assem Ally sent the free-born children from Aleppo; that person's brother, and the other, Mâhi Moplas, on whose possession they were found, had been committed for trial before the court of quarterly sessions; since which, Wellapakata Assen Ally himself has appeared before me, I conclude in consequence of the measures set on foot by you to apprehend him, and made a full confession, that he sent from Aleppé the children I before sent you a list of, six of those, viz. the free-born children found at Anjarakandy; that there were eleven more, but that they were stopped in Travancore while on their way to the northward; and that he, in consequence, had been sentenced by one of the local tribunals to pay a fine of 7,000 kallyan parmam, and to restore the children; in proof of which he has produced the order passed on that occasion.

In his deposition he also has stated, that during his short residence at Alleppé, since Methoonam, about 400 children have been exported from Travancore under similar circumstances. A copy, however, of that document is sent with this letter, in order that you may possess the fullest information on the channels through which this odious traffic has been conducted.

The Pooliars found on Mr. Brown's plantation say, they were seized, and carried to some *willakar* at Cochin; they did not know their names; but I am inclined to suppose they must allude to the European foreigners, or perhaps Jews, at that

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place; Mr. Brown having refused to give me any information whatever as to the manner in which he came by them, I am prevented from giving you any further clue at present; but the mention of Willaker will be sufficient for you to take immediate and effectual measures to put a stop to such nefarious practices in that quarter.

I have, &c.
(signed) *T. H. Baber*, Magistrate.

Zillah North Malabar, 9th Jan. 1812.

(B. 4.)—To the Resident of Travancore.

Sir:—I have the honour to send by the bearer, Camy Amboo, one of the dulayats of this court, fifteen free-born children and two of the Pooliar tribe, sent up from Travancore by Wallapatagata Assem Ally, in order that they may be restored to their parents or proprietors, in the same way as the eleven have been, (as appears by the tearp of the tribunal of Manulakara), whom Assem Ally had also dispatched for Malabar, but in which he was prevented through the vigilance of the Travancore officers.

2d.—I have already, in my letters dated 18th and 22d December, and 9th January, and their accompaniments, communicated all the material circumstances relative to the mode in which these unfortunates were originally obtained, and afterwards sent up here; since then, Wallapatagata Assem Ally, in proof of his assertion, that he had purchased them, has produced pramanums or deeds of sales; from the dates, however, of them, and other circumstances, I am inclined to suppose these documents have been made for the occasion, and that the persons mentioned therein will be found to be the servants or dependants of Assem Ally, as every one of the Travancore children allege they were stolen by Wallapatagata Assem Ally's people.

3.—As it is of importance to clear up this point, I have sent the originals to you, and will thank you to send for the persons mentioned therein, and having confronted them with the children now sent, cause them to point out the identical child sold or transferred by them to Assem Ally, and also give a writing, stating how and by what means they got possession of them.

4.—In consequence of some objections made by the provincial court of sessions here, to try the principals or accessaries in this nefarious traffic, on the ground that the court cannot take cognizance of crimes committed in places out of the limits of the British provinces, without the special orders of government, and also because of the law officer objecting to acknowledge, in the capacity of prosecutor, either the government vakeel, the free-born or bondsmen, so long as the parents or relations of the former, and proprietors of the latter, are existing. I have found it necessary to report the whole of the circumstances of the case to government for their final orders; and in consequence of these objections, Wallapatagata Assem Ally has been admitted to bail; since which, he has presented a petition, complaining of his people in Travancore having been seized and confined, copy of which I send; at the same time that I beg to be understood, without meaning in the remotest degree to interfere in the execution of the laws, which I am of opinion cannot be too rigidly enforced to all concerned in this inhuman traffic.

I have, &c.
(signed) *T. H. Baber*, Magistrate.

Zillah North Malabar, 29th Feb. 1812.

(C. 1.)—To the Collector of Malabar, Calicut.

Sir:—I hasten to report to you, that in a search made yesterday at Mahi, nine children, the eldest about twelve, a Nair girl, the rest of the Chowa or Tears caste, were discovered in the house of Wallapelagata Assen Cooty, who in his examination has stated, that they were sent from Aleppé by his brother, Assen Ally (the former custom house sheristadar); the account the children give makes it too obvious that they and many others have been kidnapped, and barbarously banished from their relations and country. In order therefore to put a stop, as effectually and speedily as possible to these nefarious practices, I have to request you will issue the most positive orders to the whole of the officers under your authority, not to allow, on any pretence whatever, of any person importing slaves, and to give instant information to the police officers, whenever they may detect any person being concerned in that inhuman traffic.

I have

I have further to request, that you will do me the favour of furnishing me with copies of any orders or proclamation on the records of your office, which may have been issued, prohibiting of this traffick, while this province was subordinate to the presidency of Bombay, or since its annexation to that of Fort St. George.

Zillah, N. Malabar, 18th Dec. 1811. I have, &c. (signed) *T. H. Baber*, Magistrate.

To the Judge and Magistrate of the Zillah North Malabar, Tellicherry.

Sir:—I have to acknowledge the receipt of your letter, dated the 18th instant, and inclose, for your information, a copy of the orders of government on the subject of a reference made by me regarding slaves imported into Malabar, under circumstances similar to those described in your letter, by which order you will perceive it is not in my power to issue the instructions requested in your letter.

I have, &c.
Calicut, 21st Dec. 1811. (signed) *Thomas Warden*, Collector.

To the President and Members of the Board of Trade, Fort St. George.

Gentlemen:—I beg leave to submit, for your information and instruction, the following statement:—

2.—On the night of 12th or 13th Kanny, Malabar month, five mopilas, by name Olichiandel Omad Cooty and Amod, Parra Vandel, Buddun Cariadden, Cunhy Amod, and Baneyambalate Meidun Cooty, inhabitants of Tellicherry, attempted at Parperangaddy to embark some goods from a place where no goods are allowed to be either exported or imported, under the orders of the sheristadar of Tanore, under whose direction the customs of Parperangaddy also fall; the custom house halkars stopped and brought the smuggled merchandize to Tanore.

3.—On their arrival at Tanore, four persons who were with the moplas complained that they had been taken away against their consent, and that they were slaves to those moplas, who had bought them, and brought them from Quilon. A letter was written to that place, but no information could be procured respecting those people. The merchandize which was seized, was of course confiscated, as by their being clandestinely embarked at an illegal hour, they fall under the head of smuggled goods.

4.—The chief object of this reference regards the unfortunate people who have been brought away from the country against their will, and wish to return to it. The importation of slaves into the province of Malabar has not been prohibited by any specific regulation, but as, from the general spirit of the regulations of government this species of traffic seems to be prohibited, I have refrained from delivering them up, and have to request the orders of the Board of Trade as to their final disposal. The depositions of the markans and peons, of the four slaves of the moplas themselves, and copies of letters from the sheristadar Tanore, accompany this, in N° 7.

I have, &c.
(signed) *T. Warden*, Collector and Magistrate, Custom Department.

Calicut, 30th Oct. 1810.

To the Collector of Sea Customs at Malabar.

Sir:—I am directed by the President and Members of the Board of Trade to acknowledge the receipt of your letter, dated 30th ultimo, with its inclosures, and to furnish you with the resolution of government respecting the slaves who were taken charge of by you, and to desire that you will explain to them, that any complaint they may have to make against their masters, should be laid before the magistrate.

I am, &c.
Fort St. George, 19th Nov. 1810. (signed) *J. G. Watkin*, Secretary.

(C. 5.)—Extract of a Letter from the acting Chief Secretary to Government, to the Board of Trade, dated 13th November 1810.

1.—I am directed to acknowledge the receipt of your secretary's letter of the 9th instant, and to acquaint you, that the collector of Malabar has no authority to interfere between the slaves in question and their masters; the collector should be desired to refer them to the magistrate, if they have any complaints against the persons who call themselves their masters.

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2.—Although the exportation and importation of slaves as a traffic be prohibited, domestic slavery is recognized by the usage of the country, and the Mahomedan and Hindoo laws, and has never been abolished by the British government.

(A true extract.) (signed) *J. G. Wathen*, Secretary.

(A true copy.) (signed) *T. Warden*, Collector.

To the Collector of Malabar.

Sir:—I have the honour to send extract of a letter from Mr. Murdock Brown, of yesterday's date, and have to request you will send me, with as little delay as possible, copies of the orders of the Bombay government, giving Mr. Brown authority to purchase pooliars and betovas, and of your reference to the Board of Revenue, and their orders on the subject of slaves, imported into Malabar from Travancore, as referred to by Mr. Brown.

I have, &c.

(signed) *T. H. Baber*, Judge and Magistrate.

Zilla, N. Malabar, 22d December 1811.

To the Judge and Magistrate of the Zillah, North Malabar.

Sir:—I have the honour to acknowledge the receipt of your letter, dated the 22d instant, with an extract annexed, from a letter from Mr. Murdock Brown.

Enclosed is a copy of the authority alluded to by Mr. Brown, as having been given him by the Bombay government, to purchase pooliars and betovas, and the orders of the government of Fort St. George, through the Board of Trade, a copy of which were transmitted in my answer to your letter, dated 21st instant, must be those to which Mr. Brown refers in the latter part of the second paragraph.

I have, &c.

Calicut, 23d December 1811. (signed) *T. Warden*, Collector.

To the Collector of Malabar.

Sir:—The writers of the court having mislaid the accompaniment to your letter of the 23d ult. viz. the permission to Mr. Brown to purchase slaves, I have to request you will do me the favour of sending me a copy of the whole of that dispatch, as well as of the reference to which it was an answer; I request also to be informed, whether you have met with any order or proclamation to the purport referred to in my letter of the 18th ult.

I have, &c.

(signed) *T. H. Baber*, Judge and Magistrate.

Zilla, N. Malabar, 9th January 1812.

(C. 4.)—To the Judge and Magistrate in the Zilla, North Malabar, Tillicherry.

Sir:—I forward herewith copies of the correspondence requested in your letter of the 9th inst. The letter from the Bombay government, dated 26th June 1798, and referred to in the letter from the commissioners to Mr. Brown, dated 10th August of that year, does not appear upon record.

The records of the first commissioners being with the Court of Appeals, I must refer you to them for the proclamation prohibiting the traffic in slaves.

I have, &c.

Calicut, 13th January 1812. (signed) *T. Warden*, Collector.

To John Spencer, Esq. President, and Commissioners, &c.

Gentlemen:—It is with much concern that I feel myself under the necessity of reporting to you the extreme backwardness of Paya Beetil Chandoo, tehsildar of this district, in furnishing me with labourers for the plantation, notwithstanding the very particular injunctions which the honourable the governor, in my presence, gave him, to render me every assistance, in labourers or otherwise, that the district afforded. During the first month I was here, it was with great difficulty I procured a small number of labourers, and I was under the necessity of bringing people from Mahé to clear the ground requisite for the nurseries of coffee and pepper. The few labourers that Chandoo did send me came to work between nine and ten, and went away at four; so that they only worked in the heat of the sun, and of course did but

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but little. Knowing that every change and innovation to people of that kind is at first irksome, though it be even for the better with respect to them, I have thus patiently permitted them to go and come at the hours above-mentioned, though I paid them for a full day's work, in the hope that a short time would accustom them to the labour of the plantation, and the regularity and goodness of the pay not only engage others to come, but enable me to fix their hours of labour as most advantageous to the plantation and to themselves; since labouring as they did in the sun, during all the heat of the day, must be hurtful even to the strongest natives. The next month the number of coolies from the district was increased by a few, but they still continued to go and come at the same time as before, under pretence of their houses being at such a distance that they could not do otherwise. I repeatedly represented to Chandoo, both verbally and in writing, how very inadequate the number of labourers he sent me was, to the work I had to perform, as to the number contained in Randaterra, that could be well spared from the agriculture of the district. Having now acquired some information as to the population of it, I found the number of tiers to be very considerable, there being forty-two parrahs in it; I requested he would order five, or even four, from each pannah, to come to the plantation. He always promised five, but his promises were never attended with any effect. The third month, finding the nullity of Chandoo's promises, and having by this time acquired some knowledge of the district where the labourers were to be found, &c. I sent peons, and called them myself, without depending any more on Chandoo, and during that month I often had nearly double the number I had ever had before; and I even prevailed upon many of them to remain for eight days at the plantation, without going home, and to work early and late with the labourers I have brought from other quarters, and who reside entirely here. I went on thus until the beginning of April, that the Malabar feast of Beshoo obliged me to give five days leave to every person employed. The feast expired; I sent for the labourers of Randaterra (all the others came back of their own accord), but the people I sent were abused and threatened by different people, and five of my peons were even beaten. They spoke of the plantation with much contempt; said they had no orders to come, nor would come; and since that time I have not been able to get a single labourer of the district. Having no authority myself in the district, I have not since sent any of my people to call them, for fear of some affray ensuing; but I informed Chandoo of it about eight days ago, and again earnestly desired he would do as I had before mentioned, and appoint four or five tiers from each tarrah to labour at the plantation. He promised as usual, and as usual has done nothing; I have not yet had a single man, neither do I see any prospect of getting any, unless he is positively ordered to furnish, as I have said, a certain number from each tarrah, or that I be empowered to send and take an account of the number of labouring people in the district, and to take at the rate of one in ten from amongst them. Chandoo has sometimes given, as a reason for his backwardness, that nobody can be spared from the cultivation of the lands which pay negady, without the revenue falling short; but this I find, upon inquiry, to be by no means the case, there being a great number of tiers who have no rice field to cultivate, and the labour bestowed upon onits does not amount to one month in the year of those who form them. The real reason is, that the nairs and moplas, in whose grounds the tiers in general live, oppose their coming here, and many of them, as I have heard, express great displeasure at the plantation, though I am convinced they could assign no reason; and it therefore can be only attributed to their ignorance and dislike to innovation, since, in fact, the whole district must be greatly enriched by the money expended on the plantation, and the inhabitants about here begin already to find the beneficial effects of it.

Hitherto I have been able to go on, though slowly, with the number of coolies I was able to procure, because, during the latter end of the dry season, the ground is so exceedingly hard, as not to admit of its being worked but at a very great expense; but now that the rains may be soon expected, it is absolutely necessary that I should be able to command a certain number of labourers here, so that I could no longer be silent on the subject without being very deficient in the duty I owe to my honourable employers. If they could be procured, I should be able to employ 2,000 coolies and 800 women, during the four ensuing months; but I see little prospect of getting near that number, though I have made every possible exertion, and sent people to every quarter where I thought there was a possibility of procuring any, from Cannanow and Tellicherry; I have not been able to procure one. There are a great many who would come, on condition of receiving five rupees

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wages and two rupees batta, as they were paid at Cottiangarry; but this I of course could not agree to, it being much beyond what I am authorized to give, and in my opinion more than is reasonable in this country for a labouring man. From Mangalore I have procured a few good men, and have reason to hope for a considerable number more from the same quarter, having sent people there for the purpose of engaging them. I have also purchased, according to the custom of the country, about forty-five Pooliars, men, women and children, whom I find very useful. Of those, two men and two women lately absconded from hence. They were purchased from Haraiakar Moopa, the darogha of Chowghaut, and I have traced them beyond Beypoor, so that there is no doubt of their having returned to their old master; I therefore solicit your assistance, gentlemen, and request, that an order be sent to the assistant in charge there to direct the daroga to send them here, and I will pay any charge that he may thereby incur.

I should not have presumed to have troubled you, gentlemen, on so trifling a matter, were it not necessary to shew those people that they cannot escape from hence; because I expect to be able to get some hundreds of them, as I find them by far the fittest and best people for the plantation, who, being once settled on it, will remain there, and all their posterity be, according to the rules of their caste, bred up to the same occupation as their progenitors.

I have, &c.

Hon. Company's Plantation, Anjarakandy, 5th May 1798.

(signed) *Murdock Brown*, Overseer.

Murdock Brown, Esq. Overseer of the Honourable Company's Plantation in Rhandatarrah.

Sir:—We have received your letter of the 5th instant, relative to the difficulty experienced in procuring an adequate number of labourers for the plantation, arising from the indifference of the teshuldar of Rhandatarrah, Baya Veetil Chandoo, to assist you with the number you require.

Desirous as we are of promoting the success of your endeavours to render the plantation hereafter of those solid advantages to our employers, they must naturally expect to derive, in compensation for the considerable expenses that must previously be incurred, still, as we are not correctly informed of the local habit and avocations of the inhabitants in Rhandatarrah, we have forwarded a copy of your representation to the northern superintendent, with instructions to provide you with labourers wherever they may be procurable within his division, which mode we trust will have the desired effect; whenever, therefore, the business of the plantation may be impeded for want of them, you will apply to that gentleman, who we doubt not will readily afford you every assistance in his power, and we shall not fail, if necessary, to use our endeavours to prevail upon this description of people, residing at this place and in its vicinity, to proceed to Rhandatarrah for the purpose in question.

The price demanded, of five rupees wages, and two rupees batta per man, by those who have offered their services, we suppose are Carnatic people; the rate demanded is certainly high, but should the Teers or other natives of the province, either from the novelty of the undertaking, or from being principally obliged to reside on the plantation, or perhaps from interfering with their accustomed avocations, be disinclined to work on the plantation at a more moderate rate, which probably it might be advisable to employ Carnatics, or other men not natives of the province, at seven rupees each per month, as the former in either case would abscond, which would operate very detrimentally to the regular progress of rendering the plantation productive; we shall therefore take the sentiments of government on this point, and communicate to you the result thereof, as also respecting your purchases of Pooliar men, women, and children; since, although we are well persuaded, under your superintendence, that none of the evils could arise which the first Malabar commissioners proclamation, prohibiting the trade of slaves, is well calculated to prevent, yet we are fully aware, that it may encourage the vicious part of the community to plunder from the weaker class of Ryots, and in such case a distressing loss will be felt by those who may remain ignorant where the cultivators of their estates may be taken to; and in these instances, where the proprietors may derive a knowledge of their residence, and identify their persons, they of course must be restored to them, thus again subjecting yourself to an irretrievable loss when the renter is not to be found to refund the purchase money. Considering, therefore, this mode of procuring labourers, especially in the present state of the country, as impolitic, consequently

we

we cannot authorize your making any further purchases of Pooliars till we are favoured with government's determination in this particular.

On the 8th inst. the assistant at Chawghant was directed to endeavour to recover and restore to you the two men and two women Pooliars, who have absconded, and we have now the pleasure to enclose you a copy of his reply.

We are, &c.

(signed) *John Spencer.* *James Hartley.*
Joshua Uhthoff. *John Smee.*

Calicut, 16th May 1798.

To the Honourable Jonathan Duncan, President and Governor in Council, Bombay.

Honourable Sir:—Enclosed, we have the honour to forward a copy of a letter lately received from the overseer of the Honourable Company's plantation in Rhandattarrah, with a transcript of our reply, on the subject of which, we have only to solicit the favour of your determination.

We have, &c.

(signed) *John Spencer.* *James Hartley.*
Joshua Uhthoff. *John Smee.*

Calicut, 25th May, 1798.

To John Spencer, Esq. President and Commissioner.

Gentlemen:—I have to acknowledge the receipt of your commands, under date the 16th instant, on the subject of which I must beg leave to say a few words.

2.—No person has a greater repugnance to the traffic of human beings as slaves, than myself; neither am I ignorant of the orders that were issued by the joint commissioners of Malabar in 93, in prohibition of it, as far as regards the natives being sold to and exported by the Europeans, Arabs or others; but these orders were not, as far as I can judge, meant to interfere with the ancient established customs and rights of the natives amongst themselves.

3.—The Hindoo laws and religion have fixed the stations, occupations and rank of the different classes of mankind, beyond the power of man to alter, excepting by their total ejection from the community. By these laws, Pooliars, Porrears, Parmues, and in many instances, Betwas, are born slaves, the property of a superior, who is authorized by the laws of Malabar to dispose of his right in favour of another person, so that the sale of them is as common as that of a bond; nor are the sales confined to the Hindoos one amongst another, but are equally common between them and Mopillas; the Pooliar then born in a state of bondage, must remain so, as well as his posterity; for I never heard of any example of manumission, neither do I believe, that agreeable to the Hindoo system, it is in the power of those to whom they belong, in any way to alter their relative station in society.

4.—The caste I have mentioned, being therefore condemned without alternative, to cultivate the earth for the benefit of others, I concluded, that by acquiring them in the mode authorized by the customs of the country, and transferring their labour to the Company, from those who were willing to dispose of it, I was likely to better their situation, and to render a very essential service to my employers, by assembling on the plantation, labourers who will be for ever fixed there, and who by being taught and constantly employed, each in their separate branches, will do more labour and better than double the number of daily hired men, for even the simple labours of agriculture require to be practised before they can be executed with precision and celerity.

5.—These, gentlemen, are the reasons which induced me to endeavour to collect Pooliars, by paying those masters who are willing to dispose of their labour, but no change, excepting for the better, is thereby made in their condition. Instead of being paid as Pooliars, they now receive the same pay as other workmen, and many indulgences that other workmen have not; it is true they are not at liberty to go where they please, but they did not possess that liberty before they came here, nor would they now were they any where else.

I have deemed it necessary to say thus much on the subject, in explanation of my own conduct, and in consequence of a letter lately received from the darogha of Choughaut, informing me that he has procured five men and women, whom he is ready to send here by land, provided he has your permission, and two peons to accompany them.

7.—I have the pleasure of saying, that your injunctions to Paya Behil Chandoo have been so far attended with effect, that since the 23d I have had from 50 to 60

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Coolies of this district, and the person in charge under Chandoo says, he has the order of the superior to furnish 80; but this number is so very inadequate to what I now want, that unless I can procure at least 250 men from other quarters, I shall be able to do but little during these rains.

I have, &c.

Anjarakandy, 24th May 1798. (signed) *Murdock Brown*, Overseer.

To the Honourable Jonathan Duncan, President, and Governor in Council, Bombay.

Honourable Sir:—On the 25th instant we had the honour of addressing you in this department, requesting to be favoured with your determination as to the propriety of Mr. Murdock Brown's being permitted to continue his purchases of Pooliars for the use of the plantation in Rhandatarrah, since when we have received a further letter on the subject from Mr. Brown, a copy of which we have now the pleasure to enclose.

We are, &c.

(signed) *John Spencer.* *James Hartley.*
Joshua Uhthoff. *John Smee.*

Calicut, 29th May 1798.

To John Spencer, Esq. President, and Commissioners, &c.

Gentlemen:—I am directed by the Honourable the President in council to acknowledge the receipt of your letter of the 29th May, and have to inform you, that the Board have already expressed their sentiments on this subject, in concurrence with those communicated from the overseer, whom you will advise accordingly.

Bombay Castle, 6th July 1798. I have, &c.

(signed) *P. L. Messurier*, Sub-Secretary.

(C. 3.)—To John Spencer, Esq. President, and Commissioners, in the Province of Malabar.

Gentlemen:—We have received your letter of the 22d of June, with its several inclosures, and have, on the grounds of Mr. Brown's alleged discovery of the real cinnamon tree, made application to the Madras government, to be supplied with as many more skilful Bangalese as can be prevailed upon to leave Ceylon, and settle under that gentleman, on the same terms as at present enjoyed by their countrymen. It will therefore be very agreeable to us to find, that Mr. Brown's hopes, as to this discovery, shall, upon trial, prove to be fully realized, or otherwise that he will, at all events, hold in readiness a quantity of the Malabar cassia, to be transmitted to Europe on the first ship of this season, in order that the Court of Directors may determine on the advantage, if any, of admitting this article into their future commerce.

2.—You have already received our approbation of Mr. Brown's proposed purchase of Pooliars, in our letter to you of the 26th ultimo, on the grounds of its not being incompatible with the subsisting regulations for the province, which will serve as a sufficient answer to this part of your reference.

We are, &c.

(signed) *Jonathan Duncan.* *James Revett.*
J. Stuart. *William Page.*

Bombay Castle, 31st July 1798.

Murdock Brown, Esq. Overseer of the Honourable Company's Plantation.

Sir:—We have the pleasure to inclose for your information, the accompanying copies of two letters lately received from government; and although their commands of the 26th June, therein referred to, respecting your proposed purchases of Pooliars, have not as yet reached us, yet it is evident that the measure has met with their sanction and approbation; we can therefore have no hesitation in authorizing you to continue your endeavours to procure as many of these people as you may require for the use of the plantation.

We are, &c.

(signed) *John Spencer.* *Joshua Uhthoff.*
Calicut, 10th August 1798. *James Hartley.* *John Smee.*

Instructions to the Commissioners deputed to Anjarakandy, and their Reports.

To Marvila Cannen, Darogla of Coliote.

Having reveiced information that some children have been lately imported from the north and south, and disposed of by sale, and that some of them have been taken to Anjarakandy, you are therefore directed, on the receipt of this order, to proceed to Mr. Brown, at Anjarakandy, and having delivered the letter herewith sent to that gentleman, bring away all persons who have been taken to and employed at Anjarakandy to your cutcheries, and there put the questions to them contained in the accompanying paper; when which is done, you will send to the court all those that are not adiars (of the tribe of slaves), and even those adiars who may say they have been brought there against their will. I have ordered a menan (chattoo) and two delagets from the court to assist you in taking down the examinations, as above directed, and have dispatched orders to the commissioner Marian Chandoo to afford his assistance also.

5th Danoo 987, 18th December 1811.

P. S.—Coan Yangara, a boy, when examined here, having stated that his brother Natha is at Anjarakandy, he is therefore sent to that place, in order point out his said brother.

Date ut supra.

To Marvila Cannen, Darogha of Cotiote; ditto die.

A notification on the subject of adiars is herewith forwarded, which you are to publish to all the inhabitants of Anjarakandy, after which, should any of them, in defiance thereof, conceal any person, and should not deliver him or them up, on your shewing them the orders, you are hereby empowered to make a search in the regular mode, but on no account use violence or abusive language.

5th Danoo 987.

To the Commissioner of Randatarrah, &c.

Orders have been sent to Marvila Cannen, the darogha, to proceed to Anjarakandy, and send for and examine persons of various castes, who have been carried to Anjarakandy; you will therefore go with the darogha, and afford him your assistance in carrying into execution the court's order.

5th Danoo 987.

To all the Inhabitants of Anjarakandy, and the neighbouring Places.

Whereas it has transpired in proceedings held before me, that children of the Shoodree, Tean, and other castes, have been seized from different countries, reduced to slavery, and secreted; and whereas orders have been issued to the darogha to find out and ascertain what children are so circumstanced; this is, therefore to give notice to all persons who have children of that description, to send them to the darogha on his arrival at Anjarakany, and that those who do not do so, but contiue to hold in captivity and secrete them, the darogah is empowered to search all places where he has information of their being secreted, and bring them away and examine them.

To Thomas H. Baber, Esq. Judge and Magistrate in the Zillah, North Malabar.

The report of Ramkantil Chahoo, Gomastah of the Zillah court:—

On my arrival at Cotaparamton, agreeably to your orders, I wrote you on the 5th inst. at 12 o'clock at night, and informed you of the absence of the darogha, and that I had at the same time forwarded a letter to him, and went myself to Pachy, where after I staid all yesterday, the darogha sent me a letter at night from Bellrot, saying, that hunting had began, and that he could not leave it for two days more, as a great number of people had assembled there, and the appointed day for the hunt was at hand, and to proceed therefore with his menon and others, and to enter upon the inquiry, and that he would without delay, agreeably to the orders, follow me, I accordingly proceeded this morning in obedience to the orders I had

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received, with the menon and others to Anjarakandy; the reason of my delaying yesterday, was, because I had not received an answer to my letter, and as soon as I arrive at Anjarakandy, I will inform you of the same, andI wait for your further orders.

Dated, 7th Danoo 987. (signed)

N. B. The darogha had been ordered to the Belliote mountains, with a party of armed men, to assemble the inhabitants for the purpose of putting to death a royal tiger which had destroyed 23 men, women, and children; after four days hunting the tiger was shot.

To Chathoo Menon, Gomastah of the Zillah Court, North Malabar.

As the darogah of Cotcote is absent on duty, you will, in concert with the commissioner of Randaterrah, carry on the business conformably to my orders.

7 Danoo 987.

To Thomas H. Baber, Esq. Judge and Magistrate in the Zillah, North Malabar.

The report of Panikariṭul Chatoo, gomastah of the Zillah court, dated 7th Danoo 987, at 12 o'clock, A. M.

I went to Anjarakandy, to Mr. Brown's house, and delivered him the letter, and when I informed him of the duty I had come upon, he sent for all his work-people, and set them in a row; on my examining them, I found three females and five males who had been imported from Aleppi, and six females and six males from Cochin, in a manchoo; I have kept these people separate. There are several others from different countries, who, it appears, had been here for some years. Mr. Brown has refused to permit me to take these people to the cutcherry to be questioned, saying, he had not received an order, but that if I have orders to take them away by force, that I of course might do so; thus the matter stands. I do not think it will be of any use to question them here, therefore I pray that your orders may be sent without delay, how I am to act about this business.

(signed)

To Chatoo Menon, Gomastah of the Zillah Court, North Malabar.

Your writing has reached me, and have understood the contents thereof; you will send immediately to the magistrate's court, the fourteen* adramar you have discovered to have been brought from the southward. You will then take all the other adramar to the commissioners cutcherry at Randatarrah, as being the nearest to Anjarakandy; and after you have examined them, should you find any person who may have been enslaved, or any slave who may have been stolen or brought away forcibly, you will immediately send him or them to the magistrate's court, together with the papers of daily examinations. But all those that may be found not to have been forcibly brought away, and who are of the slave tribe, send back immediately to their work; and should there be any occasion to call them hereafter to the court, special orders will be sent to that effect. I herewith send 20 rupees to defray the expenses for subsisting the adiars, whom you will accordingly subsist until the examinations are closed.

* Read twenty.

7 Danoo 987. (signed)

To Thomas H. Baber, Esq. Magistrate in the Zillah, North Malabar.

Your dispatch reached this place at 10 o'clock this morning. I perused the letter to my address, and delivered the other, in English, to Mr. Brown, who after perusal, said as follows; "I will not send one of my workmen, nor give my consent. I protested against their being taken away; if, notwithstanding you do, I will without delay make you answer for it. It is thus, that on various occasions, Mr. Baber has tried through malice to injure me, but he has succeeded in nothing; he did his best endeavours to deprive me of my salary in the Custom department, in order to obtain it to himself, but he could not succeed; on the contrary, I have lately been paid the sum of 8,000 rupees, and thus will *this* terminate. He may do all in his power, but in nothing will he succeed; what he is doing, is not agreeably to the regulations; he writes they are his orders only. I have written on this subject to my friends at Tellicherry, in answer to which, Mr. Steven and others have answered, that there is nothing

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nothing of this kind in the regulations; that what he, Mr. Baber, is doing, is not authorized by the regulations, and that he has received no special order to act in this manner. I have obtained full permission from government and Mr. Warden to purchase, agreeably to the established rules, as many workmen as I want;" besides the above, he (Mr. Brown) said many other things, to which we observed, Maha Raja, Sir, Mr. Baber, has no doubt done what is proper; that we must at all events carry into immediate execution his orders, on which we assembled, and took to the commissioners cutcherry at Envars, agreeably to your orders; all the Tears, Whituvars and Pooliars whom we found there, and having counted them, found to the number of 251 persons, inclusive of children; we separated all those that had been purchased, or who had come to work with their free will, and sent them (to the number of 147 persons) in the charge of two mookistanmar and kolkars, to deliver them over to Mr. Brown; the examination of the others not being completed to-day, we provided them with expenses, and detained them here; many of them, we observe, were seized and brought from different countries, but as soon as their examinations are taken down, they will be sent without delay, with their examinations, to the court.

8th Danoo 987.

To Chatoo Menon Gomastah, Zilla Court, North Malabar.

Your writing has reached here, and I have understood its contents.

You must, in concert with the commissioner, duly execute the orders I have sent you, gently and without violence. Mr. Brown, in a letter I have received from him, says, that you, accompanied by armed men, have forcibly brought away children in the mid-day, kept them in the sun, and caused their grievance; do not allow any thing of the kind, and be careful, that if Mr. Brown says any thing to you, not to make any other answer than what is perfectly respectful.

9th Danoo 987, 10 o'clock A. M.

P. S.—You will be most careful not to send to this place any Adiams but what may have been forcibly taken thither, and those that are not of the Adiama caste, and on no account delay a moment in dismissing all the rest.

To Thomas H. Baber, Esq. Judge and Magistrate in the Zillah, North Malabar.

The report of Pannikawittul Chatoo Gomastah, of the Zilla Court, dated 9th Danoo, 987, at 9 P. M.

Your order of to-day, dated 10 o'clock, reached me at six this evening, and in consequence of what Mr. Brown has written you, I deem it proper to state, that nothing of the kind took place; I neither took an armed man, nor even a kolkar with me to Mr. Brown's house, neither was a child seized, carried and exposed to the sun; nor was an improper question put, or any other conduct than the most gentle observed. The following is a faithful report of what actually transpired; first, at 10 o'clock on the 7th of this month, I went direct to Mr. Brown, at Anjarakandy, and left the kolkars at a considerable distance, when I, the commissioner, Menan, and two delayants, repaired to Mr. Brown's residence; where, waiting a short time outside, and not seeing the sahib, we heard he was where the cocoa was being ground; we went there and delivered him the letter; when he went to his house up-stairs, and said to me, do you follow me up, but order the others to remain below; I went up stairs accordingly, when Mr. Brown said, I will order all the adiamar (slaves) to be assembled, but you must examine them in my presence; I said, that was not in our orders. In consequence, I wrote to you, and deferred any further proceedings until the next morning, when your orders came, and we then took them (the slaves) to the Iruwary cutcherry; when the Poolies (female slaves) came, they brought with them the children who were at the breast. When we asked in the most respectful manner, for the work people to be sent with us, Mr. Brown answered, he would not send them; that it was impossible to offer him a greater insult than make such a request; it was in consequence of this answer, that we took away all the servants, which we did in the mildest manner; when brought to the cutcherry, they were all placed under cover, in the shade of the cutcherry and neighbouring ala, (banyan trees), and every one was questioned in the mildest manner, their answers recorded, and as we got through the examinations, we returned them, under charge of the mookistanmar and kolkar, to go to their work; and whatever working tools they brought with them, we carefully saw they carried back; the rest we detained, with

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due considerations to their comfort. There were a great number to be examined, and we laboured night and day to get through their examinations. The Pooliars too being poor ignorant and uncivilized creatures, it was attended with great difficulty to distinguish what they said. This day we have got through the examinations of 36, who having said they were sold, or came with their free-will, they were immediately sent back with the mookistanmar, but when they were carried to Mr. Brown, he got in a great rage, and told the kolkars he would not receive them, that he had not sent them, that they might leave them where they chose; that he had suffered loss in nelly, pepper, cocoa-nut plants, and various articles, on this account; that he will do all in his power to get remunerated. The mookistanmar and kolkars then took and left them at the places where they were found; finding upwards of twenty who had been seized and brought from Tellicherry, they, with the proceedings held, shall be sent to the court. The reason of the delay is, that the fullest particulars may be obtained. Two of the Pooliars who were brought, and sent back to Anjarakandy, stated in their examinations, that they had been flogged, one had received 25, the other 24 stripes, and that therefore they were aggrieved. I request, therefore, your orders; Mr. Brown has also secreted in his apartment, a Parry and Poolie, who were brought from the southward; I accordingly await your orders for my future conduct. Dated 9th Danoo, at night.

To Thomas H. Baber, Esq. Judge and Magistrate.

The writing of Pannickawittie Chatoo Menon, court gomastah.

In pursuance of your orders, to send to Anjarakandy, and bring away to the commissioners cutcherry at Jerwary (being nearest to Anjarakandy) all persons of various castes, who had been brought from different countries, made slaves of, and employed by Mr. Brown; and to take down their examinations, and send those who it appeared had been seized, with their examinations, to the court, and to return the rest to Mr. Brown with all haste, in order that his work may not be stopped. We made accordingly a full inquiry, and as far as we have gone, we have found two Shooder (Nair) children, a Tean child, a Seaty girl, and a Mopla child, also fifteen Pooliars children, who it is clearly ascertained, were stolen and brought up here; all these nineteen, with their examinations, are now sent with this letter to the court; the rest shall be sent as fast as their examinations are gone through; we await your orders. Dated Danoo, 10th.

The boy Yangara sent from the court is now also sent.

To Chatoo Menon, Gomastah, Zillah Court, N. Malabar.

I have understood the contents of the letter you wrote me; you have no order whatever to enquire into the circumstances therein reported, of Mr. Brown having inflicted punishments; if Mr. Brown has concealed any person who has been enslaved, you will ask that sahib in a becoming manner to send them; and should he not do so, you are not to make further search; you will, however, bring with you one of those who have told you that other persons are concealed. You have already been longer than there was any necessity for in completing the business; you will, therefore, on the receipt of this, bring it to a close, and proceed to this place. In my former orders, I directed you to send immediately to this court the children you had discovered, instead of which, you have delayed doing so.

10th Danoo, 987.

P. S.—You will not let them have the least opening to suppose, if they in their examinations say they were stolen or forcibly brought away, or that they are not slaves, but of high caste, that they will be set at liberty.

To Thomas H. Baber, Esq. Magistrate in the Zillah, N. Malabar.

The Report of Ramkawittil Chatoo, Menon Gamastah, of the Zillah Court; Marcan Chandoo, Commissioner of Randatarra Adowacatil Ramin, Menon Gomastah, to the Darogha of Cotioti.

In pursuance of the orders of the court to proceed to Anjarakandy, in consequence of several persons of different castes having been seized and carried away from different countries as slaves to Mr. Brown, and being furnished with an English letter to that sahib, also the necessary orders and proclamation, we, agreeably

to

to our instructions, proceeded to Mr. Brown, at Anjarakandy, and arrived there at ten o'clock of the 7th Danoo; and having placed the kolkars at a great distance, went to Mr. Brown's house, and waited outside; when after some time not seeing the sahib, we enquired where he was, and were informed he was at the place where cocoa was preparing. We then went there, and delivered the letter to the sahib, when he returned to his house, and we followed on. The sahib ascending the stairs, he said, "Let Chatoo Menon come up, but all the rest stay below." Chatoo Menon accordingly followed the sahib, who went to the western apartment, opened the letter, put on his spectacles, and read it; after which he said he would assemble the Adeans there, and that we should take down their examinations before him; on which he was told we had no orders to that effect. After this the work people were called, when we found twenty persons, including children, who had been lately brought away from the southward; these were separated, and Chatoo Menon made a report thereof to the court, and a list of the Adeans that were present. In answer to which orders were received from the court on the 8th instant, at ten in the morning, (accompanied by an English letter to the sahib,) to take the whole of Mr. Brown's workmen to the cutcherry at Irvery, it being the nearest to Anjarakandy, and there take their examinations duly and formally, but to return immediately to prevent interruption to the sahib's work, all those who should be found not to have been seized and forcibly brought away. Chatoo Menon, the moment he received the dispatch, took the English letter to Mr. Brown, who was up stairs, and told him he had received orders to take with us his workmen. Mr. Brown having read the letter, told Chatoo Menon, "He would not send any of his workmen, nor consent to it, and that we should not carry them away, that he protested against it; but if we should notwithstanding carry them away, he would in four days make us answer for it. That on several occasions, and upon various affairs, Mr. Baber has tried through malice to injure him, but had succeeded in nothing; that he had endeavoured to make him lose his pay in the custom department, and to obtain it to himself, but without success; that, with the assistance of his friends, he lately had been paid the sum of 8,000 rupees; that the present affair would terminate the same way, as there was nothing wherein he could be injured; that all this was not agreeably to the regulations; that he, Mr. Baber, had wrote him it was his order only, and that he had wrote on the subject to his friends at Tellicherry, viz. Mr. Stevens and others, who in answer had written to him there was nothing of this in the regulations; that he, Mr. Baber, did not act agreeably thereto, nor had he received any special orders to act in this manner." Besides which, Mr. Brown said he had obtained orders from the Madras government and Mr. Warden to purchase, agreeably to the established rules, as many workmen as he wanted, and made use of many other expressions; when Etatoo said, that all this was not fit conversation to those who were sent on duty; that we knew nothing of it, and could not delay carrying into immediate execution the orders sent us by you. We then assembled all the workmen we could find there, and set out at twelve o'clock, (the Poolies taking their children with them), and took them to the cutcherry at Irwary, kept them in the apartments below, and under the banian trees contiguous thereto; gave each of them a green cocoa-nut; counted and found the number of 260, including children; of these, 147 persons were of those who had been purchased, or gone to serve there with their own will. Before we sent them back, we asked them, before the mookistanmar, whether they had brought away any working tools, and if so, whether they were all right; they answered they brought a few, and they were in their possession, and would carry them back. We then sent them back in charge of two mookistanmar and kolkars to Mr. Brown, provided the others with necessary expenses, and kept them there that day; and having gone through their examinations, as many more persons of the above description as were found, viz. twenty-three in number, were sent back at one o'clock, likewise in charge of mookistanmar and kolkars; and again, at four o'clock in the same day, thirteen more were sent, making a total number of thirty-six, including children, after having questioned them before the mookistanmar about their working tools, as had been done with those returned the preceding day. When they were carried to Mr. Brown, "He said he had not sent one person with his consent; that if we had carried any away, we might leave them there; that it was impossible to offer him a greater indignity; that on this account he had incurred a loss of a great number of rupees in nelly, pepper, cocoa-nut trees, and various articles;" that he would do his best to get remunerated; that he would immediately write against Mr. Baber in all directions; and having thus exhausted his rage, the mookistanmars and kolkars

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left him, took and left the slaves where they had found them, and came back and reported all the above. We then continued the investigation, and the result was, that seventy-seven persons of various descriptions had been stolen, or forcibly carried away from various countries, and deprived of their caste; all of whom we questioned in the presence of mookistanmar, took, drawn in writing their examinations,* and while making their third report to the court, one Chakys (who had been brought from Odaloor to the south) infant at the breast, not two years old, who had been for a long time ill, and lost its sight in both eyes, died on the night of the 10th in the cutcherry of the disease with which it was afflicted. The reason of the infant being brought there was, that Chaky said that it would a great grievance not to be allowed to go with the rest to make her complaint before the court; that she had been stolen, in consequence of which she was detained there. This is precisely what passed.

Dated Danoo 12th, 987, or 25th Dec. 1811.

Translated by *T. H. Baber*, Magistrate.

Examinations held before the Magistrate and his officers of the free-born children found on Mr. Brown's possession at Anjarakandy, who had been imported since Yeduram last, or June 1811.

N° 1.—Examination of Nair Kristnan, taken on the 8th Danoo 987, or 20th December 1811, about eight years old.

Question.—What is your country, what caste are you, and how old are you?

Answer.—My country is Paumba, I am of Shuder caste, and am about eight years old.

Who brought you to this place?

Kayen Kolkaren Chokoren Matrah Mopilla seized and sold me to Assen Ally Kakah, and he delivered me to the manchoo's people, and they embarked me in a manchoo and landed me at Mahé, from whence a mopilla carried and delivered me to the pandishala of Anjarakandy.

What caste are you now?

I am now a Poolian.

When was you placed amongst the Poolians?

I was put amongst the Pooliars at Anjarakandy pandishala.

What are the names of your father, mother, and carnawar (uncle.)

My father is called Cuntry, my mother Jettima; I do not know the name of my uncle, (he is dead.)

Did the people of your house know of your having been carried away?

No, they did not.

Is there amongst these people any of your relations; how many months is it since you were brought to Anjarakandy?

No, there is none here, my relations are in my country; I think about four or five months ago.

Witnessed by Hootiatoor Number Manallil Preker.

(signed)

After the above examination was read in the presence of the magistrate, Kristnan deposed as follows:—

My former name was Kristnan, and now I am called Changra; two or three months ago, when my mother sent me to fetch some fire, a mopilla, named Chokora Matra, seized me on the road at mid-day, and kept me in his house, shut up in a room for three days; afterwards, at night, he carried me thence to Allappi and sold me to Assen Ally Kaka, who sent me to Mahé, from whence I was carried to Anjarakandy, and there I was put amongst the Pooliars. I entreat that I may be sent to my country, and be again admitted to my caste.

(signed)

N° 2.—Examinatien of Nair Ramin, about eight years old, taken on the 8th Danoo 987, or 20th December 1811.

Question.—What is your country, what caste are you, and how old are you?

Answer.—My country is Kaymkulan to the southward; I am of the Shuder caste, and eight years old, I think.

Who

Who brought you to this place?

I do not know the names of the persons, but mopillas seized and put me in a toney, and brought me to this place; I think it is about two months ago.

What are the names of your father, mother, and uncle (carnowan)?

My father is called Kristnan, my mother Eddichaquy, and my uncle Kochy Coayyan.

Did the people of your house know of your being carried away?

No, they did not.

Are any of the persons now present related to you?

No, none; my relations are in my country.

What caste are you now; who put you amongst the Pooliars?

I am now a Poolian; after that I was brought to Anjarakandy, Pandishala Cheria Achan (Mr. Brown's son) ordered me to eat Pooliars rice, to which I said I would not; but he told me that it would do me no harm to eat, therefore I did eat. (signed)

After the above examination was read in the presence of the magistrate, Ramen deposed as follows:—

I was with five children who were tending cattle, and while at play, two mopillas seized me and took me that very night to Aloppi, where they gave me to Assen Ally, who sent me in a moonchoo to Mahé; from thence I was sent to Anjarakandy, where they made me eat Pooliars food; before, if I should be defiled by Pooliars, I must wash myself. I am not willing to return to Anjarakandy, if I can be admitted again to my caste; I wish to go to my country. My house name is Tekkadati. (signed)

N° 3.—Examination of Maplajee Pelamachee (female), about six years old, taken on the 8th Danoo 987, or 20th December 1811.

Question.—What is your country, what is your caste, and how old are you?

Answer.—I do not know the name of my country; I am of a Mopilla caste, and now I am Poolly; I think I am six years old.

What are the names of your father, mother, and carnawar (uncle)?

My father is called Oopah, my mother Umah; I do not know my carnawar.

When did you come here, for what purpose, and with whom did you come here?

That I do not know; I was stolen and brought in a toney.

Have you any relations?

I have house and family; I was stolen at night, without any one of my family knowing it.

Who put you amongst the Pooliars?

I was told at Anjarankandy to eat rice, and as I am a child, I did eat.

Witnesses, Cootiatoor Number, Manalil Pocker.
(signed)

After the above examination was read in the presence of the magistrate, Pelamachee deposed as follows:—

My former name is Salamaty, and now I am called Choichy; my country is Kaykolom. Two or three months ago, when I was in my house, mopillas seized me at night-time and took me away, and embarked me in a manchoo, and sent me to Mahé; from thence I was carried and delivered to the Achin (Mr. Brown) at Anjarakandy, where I was put amongst the Pooliars. I do not know the names of the mopillas who stole or sent me here. (signed)

N° 4.—Examination of Tien Nathan, about eight years old, taken on the 8th Dánoo 987, or 20th December 1811.

Question.—Where is your country, what is your caste, your house name, and how old are you?

Answer.—My country is Karroonapally; my name is Nathan; my house name is Karatail. I am of the Tien caste; about eight years old I think.

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What are the names of your father, mother, and amaman (uncle.)
My father is called Coonjan, my mother Manikam, and my amaman Cochanthan.

When you came to this place, with whom and what for, did you come?
While I was tending cattle mapillas came, seized and thrust a cloth in my mouth, and took me to Assen Ally, who embarked me at night in a toney at Alappi, and sent me to Mahé, and from thence I was embarked again in a toney to Anjarakandy.

Did your family know of your having been seized?
No, they did not know; it is impossible for them to know, when I was stolen and brought so far; they have changed my caste, and made me a Poolian.

How many people were embarked and sent with you?
Two Ayapens and one Cally were embarked and sent with me; it is two months ago.

At what place was you made a Poolian?
At Anjarakandy's pandishala, it was Cheria Achin (Mr. Brown's son), who made me a Poolian.

Witnesses, Cootialoor Mamboor, Manallel Pocker.
(signed)

Mem.—After the deponent was examined in the presence of the magistrate, Tien Nathan stated precisely as is here written; and when he was questioned about the names of the mopillas that had seized him, he answered as follows:—
The name of one of the mopillas who seized me is Cocha Bapoo; the names of the others I don't know. I and my brother Coanyangara, wish to return to my ocuntry; my brother was seized in the same manner as I was, and I saw him at Mahé. (signed)

N° 5.—Examination of Tiety Kally, about 12 years old, taken on the 8th Danoo 987, or 20th December 1811.

Question.—What is your country, what is your caste, your house name, whose slave are you, and how old are you?
Answer.—My country is Parawoor, to the southward; I am of a Tiety caste, and not a slave; I am about 12 years old.

What are the names of your father, mother, and amamon (uncle)?
My father is called Ananden; my mother, Kally; and my amamon, Cuntry Chody.

When did you come to this place; why, and with whom did you come?
Two months ago, two mopillas came at night time, seized and took me to Alappi, where they embarked me in a manchoo, and landed me at Mahé, and from thence I was embarked in a toney, and landed at Anjarakandy, where I was kept in the pandishala.

Where were you placed amongst the Pooliars?
At Anjarakandy pandishala; it was Chiria Achen (Mr. Brown's son), who placed me amongst the Pooliars.

Have you any relations in your country?
I have in my country; but none of them know that I was stolen and brought to this place.

Witnesses, Cootialoor Number, Manalil Pocker.
(signed)

When the girl was examined in the presence of the magistrate, she stated precisely as is here written, and said further, that her father's name was Tairvan.
(signed)

N° 6.—Examination of Tean Ayapen, aged about eight, taken on the 8th Danoo 987, or 20th December 1811.

Question.—Which is your country; what is your caste; your house name; whose slave are you; and how old are you?
Answer.—My country is Paiamena, to the southward; I am of the Tean caste; my house-name I don't know; I am not a slave, but now I am a Poolian; am about 8 years old I think.

What

What are the names of your father, mother, and amaman (uncle)?
My father's name is Mootan; my mother, Cally; I have no amaman.

When did you come to this place; why, and with whom did you come?
I think it is about 10 or 20 days ago that I came to this place; I don't know why I did come, and as it was in the night I don't know who brought me here; two or three persons embarked me in a manchoo, and landed me at Mahé, and from thence they embarked me in a toney, and took me to Anjarakandy.

Why was you placed amongst the Pooliars?
Pandishalas Valia Achan (Mr. Brown), desired me to eat Pooliar's rice, therefore I eat their rice.

Have you family; if so, did they know when you was brought to this place?
I have family in my country, southward; I was seized and brought here without their knowledge.

Witnesses, Areatoo Kannen, Marakandy Parrey.

(signed)

When the boy Arapan was examined in the presence of the magistrate, he stated precisely as is above deposed, and said that he did not know the names of the mopillas that seized him, or sent him up here, and the place from whence he was sent; he was seized while he was playing in the compound of his house, when his father and mother were not at home.

(signed)

Examinations held before the Magistrate and his officers, of the bondsmen found on Mr. Brown's possession, *in importer*, since June 1811.

N° 7.—Examination of Poolean Ayapen, taken on the 8th Danoo 987, or 20th December 1811; aged about 7.

Question.—What is your country and caste?
Answer.—My country is Pattonb, in Travancore; caste Poolean.

In what manner did you come to this place?
Some mopillas came at night in my house, seized and took me to Aleppi; thence embarked me on board a manchoo, and carried me to Mahé; from whence some Tears put me in a toney, and took me to the pondishala of Anjarakandy.

Whose Adean are you? Are there any of your family amongst these Pooliars?
I am Kedakat Menon's Adean. There is none.

What are the names of your father, mother, and carnawor?
My father's name Chunhamben; mother, Maily; I have no carnawor.

Are your father and mother alive?
No; they are both dead.

What relations have you in your country?
I have an elder brother, by name, Javing.

Did your tambooran and brother know of your having been seized and brought to this place?
No, they did not.

Witnesses, Koteatoor Namber. Manalil Pocker.

(signed,

N° 7.—Examination of Ayapen, taken before the Magistrate in the Zilla, North Malabar, on the 17th Danoo 987, or 30th December 1811; about 7 years of age.

Question.—What is your country, caste, and name?
Answer.—My country is Pottoly, to the southward; caste, Poolean; name Ayapen.

How many years is it since you were brought to this place, and who is your tambooran?
It is about two months ago that I was seized and brought to this place, my tambooran is Kedakat Menow.

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How was you brought to this place?

At night when I was sleeping in my house, two mopillas came, seized and carried me to Aleppi, whence they brought me to Mahé on board a manchoo, and from thence I was sent to Anjarakandy, and placed amongst Achimes, Mr. Brown's Pooliars, when they brought me from Aleppi, there were in the same manchoo Kally Nathan and Ayapen, three Tier boys, they were also sent to Anjarakandy, and they are now here.

(signed)

N° 8.—Examination of Tavan taken, on the 8th Danoo 987, aged about 35, 20th December 1811.

Question.—Where is your country; what is your caste?

Answer.—My country is Nettoo, to the southward of Cochin; my caste Poolean.

What are the names of your father and mother?

My father's name is Kary Vallian, mother Panaba.

When, why, and with whom did you come here?

In Eddavom last, when I was at work, Nettoor Ayeestta Woodun, by order of Assen Ally, at Mahé, came and seized, and putting me in a manchoo, conveyed me by night from Cochin, and landed me at Chiteva, from whence Coony Paray and Bappen brought us, twelve in number, by land to this place.

Have you any house and family, if so, did they know of your having been seized?

I have a house and family; they did not know of my having been stolen away.

Was it with your consent that they brought you here?

It was not with consent.

Do you wish to return to your country?

Yes; I wish to return to my country.

Do you know the name of your tambooran?

Arakat Manotty is my tambooran; he did not know of he circumstances.

Witness, (signed)

N° 8.—Examination of Tavan, taken before the Magistrate on the 17th Danoo 987, or 30th December 1811, aged about 35.

Question.—Where is your country; what is your caste and your house names?

Answer.—My country is Nittoor, the south-eastward of Cochin; my caste Poolian, name Tarvans.

How many years is it since you were brought here?

I was brought here last Eadarom.

Who is your tambooran?

My tambooran is Arakat Mamatty Mopla.

How were you brought here?

I was going to my tambooran's work, when Eddaeata Moidun, a mopla, seized and took me to the river side, where there was a ballon (boat) and some Bellacar in that boat, in which there were ten or twelve other Pooliars; I was also put in it and taken to Cochin, shut up twelve days; on the 13th day was put in a toney, and brought to Chitua, whence I was brought by land to Mr. Brown, at Anjarakandy; the twelve persons that came with me are now here.

Deposed on oath. (signed)

N° 9.—Examination of Poolian Tavan, taken on the 8th Danoo 987, aged about 11; 20th December 1811.

Question.—Where is your country; what is your caste.

Answer.—My country is Poombatate, to the southward of Cochin; my caste Poolian.

What are the names of your father, mother, and uncle.

My mother's name is Panana, father Chody, of Wodambata Tarra.

When,

When, why, and with whom did you come here?
A mopla, by name Shackmadar, seized and took me to Cochin, put me in a moonchoo, and brought me by night to Chetwa, whence Assen Ally's people, Cunhy Pareay and Bappen brought me by land last Eddavom, to Anjarakandy.

Have you any house and family?
I have a house and family, but none of them knew of this.

Then how was you brought?
I was stolen, put in a moonchoo, and brought away.

Were you brought with your consent?
Not with my consent, they stopped my mouth with their hands.

What is the name of your tambooran, and did he know of this?
My tambooran's name is Penimbalata Panakedda Kanden; he did not know of this.

Witness,—Kooteealoor, number a Manalil Paker. (signed.)

N° 9.—Examination of Tavan, before the Magistrate, on the 17th Danoo 987, or 30th December 1811; aged about 11 years.

Question.—Where is your country, what is your caste, and house name?
Answer.—My country is Perumballat, to the southward of Cochin; caste Poolian, name Tarvan.

How many years is it since you were brought, and who is your tambooran?
My tambooran is Panakada Canden; I was asleep at night when Panaparambil Pamikaree seized and brought me away, and gave me to Ayecagata Shuk Moidun, who gave me to a Sahib at Cochin; thence I was put in a moonchoo and landed at Chetwa; whence Coony Pareay and Bappen brought me by land to the sahib, at the Bangsaul of Anjarakandy, twelve other poliars were also brought with me, are now here. (signed.)

N° 10.—Examination of Poolian Ittinady, 8th Danoo 987; aged bout 24; (20th December 1811.)

Question.—Where is your country, and what is your caste?
Answer.—My country is Nettoor, to the eastward of Cochin; caste Poolian.

What are the names of your father, mother and uncle?
My father's name is Chowely; mother, Taware, of Mata Tara.
When, why, and with whom did you come here?
I was at work, when Nettoor Arkagate Moidun came there, seized and took and put me in a moonchoo, and landed me at Chitwa, whence Assen Ally's people, viz. Coony Pary and Bappen brought me by land, and delivered me at Anjarakandy.

Have you any house and family?
I have house and family, but they did not know of this.

Then how was you brought?
I was stolen.

Were you brought with your consent, or not?
Not with my consent; they stole me away; since which I have not had the means to make a complaint of my grievances.

What is the name of your tambooran; did he know of this?
Pudianjary Goonyan Menow is my tambooran; he did not know of it.

How many others were brought with you?
Twelve persons.

Witnesses. (signed)

N° 10.—Examination of Poolian Ittaniardy, before the Magistrate, on the 17th Danoo 987, or 30th December 1811; aged about 24.

Question.—Where is your country; what is your caste and name?
Answer.—Nettoor to the southward; caste, Poolian; name Ittinady.
How many years is it since you were brought; who is your tambooran; how were you brought?

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Orig.

I was brought last Eddawom; my tambooran is Pudianjary Coony Menon; I had gone to work, when in the evening Akagata Moidun, mopla, seized and gave me to Willavara; I was kept ten or twelve days at Cochin, whence, besides myself and my chermy, ten others were embarked in a manchoo, brought to Chitwa; thence Coony Parry and Bappen of Mahé, took us to Anjarakandy, and employed us in the saib's service; my relations and parents being in my country; I request Jaramy Chermy may be sent there. Of what place are those? They are of Cochin; I do not know them.

Willavara. (signed.)

N° 11.—Examination of Nully, 8th Danoo 987, or 20th December 1811; aged about 15.

Question.—Where is your country, what caste, and whose slave are you?

Answer.—Rowana, to the southward; my caste is Parrey; and I am the slave of Kojaraporata Kristria Pilla, of Kavaperata Tara.

What are the names of your father, mother and uncle?

My father is Ayapen; mother, Manny; and uncle, Coran.

When, why, and with whom did you come here?

In Kany last; three or four moplas came to my hut at the time the other people were gone to work, seized and took me to Caengolam, thence to Aloppi, where they put me in a manchoo, landed me at Mahé, and thence took me to Anjarakandy, and there kept me.

What are the names of those who brought you?

They are moplas of Caengolam; their names I do not know.

Did your relations know of your having been brought here?

I was stolen away, therefore they did not know of it; I have a family.

Witnesses, Cootiatoo Namber. Manalil Pokee.

(signed)

N° 11.—Examination of Nully, before the Magistrate, aged about 15 years, on the 17th Danoo 987, or 30th December 1811.

Question.—Where is your country; what is your caste and name?

Answer.—Chodana, to the southward; my caste is Parrachy; name, Nully.

How many years is it since you were brought here, and who is your tambooran?

I was brought four months ago, and am the slave of Kojaporata Kristna Pilla.

How were you brought here?

Two moplas and two sooda tamborans called me to them, on pretence of doing some work, and having taken me a little way, they seized and brought me to Carjamgolate, where I was kept in the mopla's house one month; his name I do not know; thence he took me in a manchoo to Poracata; detained me there two days and brought me by land to Allippi; detained me there four days, and thence brought me in a manchoo and landed me at Mahé; whence I was taken by land again to Anjarakandy, and made to stay there with the saib.

Do you know the moplas names?

I do not know them.

(signed)

N° 12.—Examination of Kally, taken on the 8th Danoo 987; aged about 38; (20th December 1811.)

Question.—Where is your country, what is your caste, and whose slave are you?

Answer.—Wadatala, to the southward; caste Poolian. I am the slave of Parambata Eeatil Eddy Kellen.

What are the names of your father, mother, and uncle?

My fathers name is Cochala; mother, Anena; uncle, Ittenady.

When, why, and with whom did you come here?

In last Eddawom, Shak Madai, a mopla, and seven or eight others, came while my tambooran was at Wa, seized and took me to Wadatala Wadaka Moockan; there I was put in a manchoo, landed at Nettoor, thence was again embarked in a manchoo,

manchoo, and landed at Cochin; detained there twelve days, and thence I was put in a manchoo, and landed at Chetwa, and whence I was brought by land to Anjarakandy.

Did your relations know of your coming up here?

I was stolen away, therefore my relations did not know of it.

Witnesses. (signed)

N° 12.—Examination of Kally, before the Magistrate, aged about 38 years, on the 17th Danoo 987, or 30th December 1811.

Question.—Where is your country, what is your caste and name?

Answer.—Wadatalla, to the southward; caste, Polleay; name, Kally.

How many years is it since you were brought here, and who is your tambooran?

I was brought about eight months ago; I am the slave of Paramtate Eddatil Edecoil.

How were you brought here?

Beadenchara Atten Ally seized me without the knowledge of my tambooran, and put me, with twelve others, in a manchoo; brought me to Cochin, where I was detained ten or twelve days, and given to the Wallacara, who put us in a manchoo, and landed us at Chetwa, whence we were brought by land to Anjarakandy. I beg I may be sent back to my tambooran and country.

(signed)

N° 13.—Examination of Poonama Poolay, aged about 28, on the 8th Danoo 987, or 20th December 1811.

Question.—Where is your country, why did you come here?

Answer.—Perimbalata, to the southward of Cochin. Panamparambil Panikare seized me and my three children, and gave to Nettail Aycagata Moideen Cooty, who put us in a manchoo, and brought us to Chetwa; thence we were brought by land. At nights we were shut up in shops, and thus were we secured until we arrived at Anjarakandy.

What is your caste?

Poolay.

Whose slaves are you?

Nediaparamba Panakada Kanden, nair of Perumbalata to the southward.

What are the names of your father, mother, and uncle?

My father's name is Cocha Anymare; mother, Anadara; uncle, Arachana.

Did your tambooran and family know of your having been brought here?

I was seized and carried away at night; they did not therefore know of it. I have now a child.

Witnesses. (signed)

N° 13.—Examination of Panama Polay before the Magistrate, aged about 28 years, 17th Danoo 987, (30th December 1811.)

Question.—Where is your country, what is your caste and name?

Answer.—Perimbalata to the southward; my caste is Poolay, name Poonama.

How many years is it since you were brought here, and who is your tambooran?

I was brought last Eddawom, my tambooran is Nedamparamba Chanden.

How were you brought?

Panaparambil Pamkare Tier, and five or eight sooder tamboorans came to my chala at night, without the knowledge of my tambooran, and seized me. I cried out, when they thrust cloths into my mouth, and took me and my children, viz. Tavan, Cochalla, and Jarra, besides eight others, to Cochin; and thence put me in a manchoo, and brought to Chetwa, and thence by land to Anjarakandy; my tambooran and the father of these children being in my country, I request I may be sent back to them.

(signed.)

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N° 14.—Examination of Ithanga, aged about 20, 8th Danoo 987, (20th December 1811.)

Question.—Where is your country, and what is your house name?
Answer.—Coombalata, to the southward; caste, Poolean; there is no name of my house, it being a chala.

What are the names of your father, mother, and uncle?
My father is dead, his name I don't know; mother, Manny; uncle, Cheda.

When, why, and with whom did you come here?
It is eight months since I came to Anjarakandy; people seized me, put me in a manchoo, and brought to Chetwa; thence one Bappen Mapilla and another, Coony Pareay, brought to the Anjarakandy Banksaul.

Did your tamburan and relations know of your having been seized and brought here?
They did not.

Whose slave are you?
I am the slave of Marapatty Kaymanmar.

Did Bappen and Coony Parey sell you to any body?
I don't know.

Witnesses. (signed)

N° 14.—Examination of Ithanga before the Magistrate on the 17th Danoo 987, or 30th December 1811; aged about 20.

Question.—Where is your country, what is your caste and name?
Answer.—Combalata, to the southward, westward of Nettoor; caste, Pooliay; name, Ithanga.

How many years is it since you were brought here?
I was brought in Eddavam last; my tamburan is Koombalata.

Who is your tamburan?
And Pally Kristnen tamburan.

How were you brought here?
I was at work in the evening, when two or three moplas called, and took me to the river side, where there was a manchoo, and ten or twelve wallacara. I was then given to them, who took me to Cochin, where we arrived about eight Narighas, at night. Besides myself and my chirman, Ittinadan, there were ten others put in a manchoo, and brought to Chitwa, whence Cooney Parrey and Bappen, two moplas of Mahi, came and brought us by land to Anjarakandy, and there employed in the saib's work. All my relations being in my country, I beg I may be sent back.

(signed.)

N° 15.—Examination of Eschalla, aged about 11, 8th Danoo 987, (20th December 1811.)

Question.—Where is your country, what is your caste and name, and whose slave are you?
Answer.—Perumballata, to the southward; caste, Poolean; house, Odarabota; my tamburan is Panakada Kanden.

What are the names of your father, mother, and uncle?
Father, Chody; mother, Panava; I don't know my uncle.

When, why, and with whom did you come here?
I don't know when exactly; but Wanaparambil Panikad and many people came to a place called Chimbil, surrounded the house at night, seized and brought us away; as we were being brought, we cried out, when they seized us by the neck, stopped our mouths, and put us in a manchoo, and sent us off to Anjarakandy.

Have you any family?
I have in my country; I was seized and brought away at night without their knowledge.

Witnesses. (signed.)

N° 15.—Examination of Cochala before the Magistrate of the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811; aged about 11.

Question.—Where is your country, what is your caste, and house name?
Answer.—Perimballata, to the southward; caste, Poolian; name, Cochala.

How many years is it since you were brought here; who is your tamburan?
I was brought in Eddawam last; my tamburan is Panakada Kanden Nair.

How were you brought here?
Panaparambil Panikare came at night, while I was sleeping, seized and gave me to Shaik Maideen, who sent me to Cochin; whence, besides myself, eleven others were put in a manchoo, and brought to Chetwa, where Coony Pariey and Bappen brought us by land, and gave us to a saib at Anjarakandy; the saib made us stay there; the Pooliars that were brought with me are now here.

(signed.)

N° 16.—Examination of Corumba, aged about 30; 8th Danoo 987, (20th December 1811.)

Question.—Where is your country, what is your and your house name?
Answer.—Wadatalla, to the southward, name Corumba, house name Pottata.

What is your caste?
Pooliay.

What are the names of your father, mother and uncle?
My father's name is Ayan; mother, Cally; uncle, Cochala, he is dead.

Where, why and with whom did you come here?
In Eddawam last; moplas seized me my infant child and twelve others, and brought us away.

What are the names of those moplas?
I don't know.

Whose adeaty are you?
The adeaty of Mara Pally Kananmar.

Did your tamburan and relations know of your having been seized and brought away?
They did not.

Witnesses. (signed.)

N° 16.—Examination of Corumba before the Magistrate, 17th Danoo 987, (30th December 1811); aged about 30 years.

Question.—Where is your country, what is your caste and name?
Answer.—Wadatalla, to the southward; my caste is Poolay and name Carumba.

How many years is it since you were brought here, and who is your tambooran.
About eight months ago; my tambooran is Itty Kanin.

How were you brought away?
I was at work, when, without the knowledge of my tambooran and poolian (husband), myself and two of my children, viz. Dampan and Kanda, were seized by Eddacatta Vudeen, mopla and some others, and brought to Cochin, detained there eleven days, and then given to Walladara, who brought us in a manchoo and landed us at Chitwa; besides myself there were eleven others, whence two moplas of Mahé, named Coony Parray and Bappen, brought us to Anjarakandy, and made us stay with a saib; those eleven that were brought with me are present here.

Of what place are those Wallacara (Europeans)?
They are of Cochin; I don't know their names.

(signed)

N° 17.—Examination of Anima, aged about 16, 8th Danoo 987, (20th December 1811.)

Question.—Where is your country, what is your caste and house name, and whose adeama are you?
Answer.—Cootanard, to the southward; my caste, Poolay; house name, none; I am the adeama of Koisara Matoor Nair.

What are the names of your father, mother and uncle?
My father is Conder; mother, Choruda; I don't know my uncle's name.

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When, why, and with whom did you come here?

In last Eddawan, moplas seized and gave me to the wellacara at Cochin, thence they put me and eleven others in a manchoo, and landed me at Chitwa, whence moplas brought us away; on the road at nights they shut us up in shops, and thus they brought us to Anjarakandy.

Have you any family?

I have a father, mother, sister, brother and others; they did not know of my having been stolen away at night.

Witnesses. (signed.)

N° 17.—Examination of Anama before the Magistrate, on the 17th Danoo 987, or 30th December 1811; aged about 16.

Question.—Where is your country, what is your caste and name?

Answer.—Cootanaad, to the southward; my caste is Poolay; name, Anema.

How many years is it since you were brought here, and who is your tamburan?

I was brought seven or eight months ago; I heard Mootoo Taragan is my tamburan.

How were you brought away?

I was sleeping in my hut when a poolian stole me away and sold me to a wallacaran at Cochin, whence, when ten or twelve others were being brought away in a manchoo, I was also put in it and brought to Chitwa, and thence two moplas brought us to Anjarakandy by land.

Do you know the names of the wallacaran and moplas?

The moplas are Coony Pareay and Bappen; wallacaren is Margo. (signed.)

N° 18.—Examination of Wattachy, aged about 31, taken on the 10th Danoo 987, or 23d December 1811.

Question.—Where is your country, what is your name and caste, and house name, and whose adeama are you?

Answer.—Kaleashary; my caste Pooleay; house, Erechatta. I am the adeama of the Chiricul Raja.

What are the names of your father, mother and uncle?

My father's name is Pottin; mother, Carta; I know not my uncle.

When, why, and with whom did you come here?

In Eddavam last; Madacaracaren Kumba Moidun told me there was some work for me in the field, and took me to Madakara, where I performed the work. On my return in the evening from the work, I found the Terry Taney had been taken away, and when I went into the water, intending to cross the river (by swimming), the mopla Maidun came and prevented me; he then took me to a shop; the next morning he carried me and my child to Manjan Parreay's shop, and got a koopai put on me, and detained me two months in Cottotail Pockar's shop, when last Chingan, it coming to the knowledge of Brown Saib, he sent for me to Anjarakandy, took off the koopay, and put me amongst the Pooliars.

Have you any house and family?

I have no house at present of my own, but have a family in my country; they did not know what had become of me.

What is the name of your daughter?

Wettachy, (*pointing out to her.*)

Witness. (signed.)

N° 18.—Examination of Wattachy, aged about 31, before the Magistrate, 17th Danoo 987, or 30th December 1811.

Question.—Where is your country, what is your name and caste?

Answer.—Kaliasherry to the northward; my caste Poolay, and name Wattachy.

How many years is it since you were brought away, and who is your tambooran?

I was brought here last Eddavam; my tamburan is the Raja of Cherical.

How

How were you brought here?

I was at work in the field, when Cumba Maideen seized me and my child; made us stay in a mopla's shop at Madacara; the next day crossed the Capa Cadawa (Terry), and kept in Manyan Parreay's shop at night, where he got me washed, and put a coopay upon me, and then I was sold to a mopla, by name Pokar, of Anjarakandy. The Anjarakandy achin (Mr. Brown), knowing of this, took me forcibly away, and taking off the koopar, placed me amongst the Pooliars.

(signed.)

Examinations held before the Magistrate and his Officers, of the Bondsmen found in Mr. Brown's possession, imported at different periods between 1799 and 1810.

N° 1.—Examination of Ramen Wettoowan, aged about 22, taken on the 23d December 1811, or 10 Danoo 987.

Question.—Which is your country, what is your caste, your house name, and whose slave are you?

Answer.—My country is Chetooway Manaporom; my caste is Wettoowan; my house name is Kadollapara, slave of Arayemparomba Kanden.

What are the names of your father, mother and amamon (uncle)?

My father's name is Oonicoram; my mother, Chakky; and my amamon, Changuram.

When did you come to this place; why, and with whom did you come?

Ten years ago, one day Karooukaren Moideen Cooty, mopas man Willaly, mopilla Cooty Ally mopilla, and several other people, came at night time, surrounded our house, seized and tied us, nine persons in number, embarked us in a manchoo on that very night; landed us at Kootinguel, and from thence we were embarked again, and landed at Anjarakandy; five of the number died at Anjarakandy, and we four only remain; one of the women has had one child, which is still alive.

You said, besides yourself, there are three persons and a female child, what are their names?

One of those who died left a child named Korôomba, and the others are Chakky, Kally and Chakapen.

Have you a house and family?

Yes, I have a house and family in my country; my father, mother, and some of the children were seized, tied, and brought to this place.

(signed.)

Witnesses,—Ariatoo Kamen. Murkandy Puroy.

N° 1.—Examination of Wittoowan Ramen, aged about 22, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, what is your name and caste?

Answer.—My country is Chittooway, Manaporom, caste Wattoowan, and name Kaida Kaparambatoo Ramen.

How many years is it since you have been brought here, and who is your tambooran?

It is about ten years since I have been brought here; my tambooran is Aumparambil Camen.

In what manner were you brought here?

One night while I was sleeping, Villaly and Cootially, two mopilas, came, seized and carried me to Chitooway, and kept me at Koolonguel, whence they embarked me on board a manchoo, and landed me at Anjarakandy, and made me stay in Brown Saibs Pandishalla; my father Oonichoren, my mother Chakly, my four sisters and one brother were also brought to Anjarakandy; my sisters Chakky and Kally, my brother Chakapan, and a child by name Karoomba, the daughter of my deceased sister now remain, the rest are dead.

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How old are you now?
I am not certain; about 22 years I think.

Did your tambooran Kannen know of your having been carried away?
No, he did not.
(signed.)

N° 2.—Examination of Wittoowan Cherookoran, aged about 32, taken on the 10th Danoo 987, or 23d December 1811.

Question.—Which is your country, what is the name of your house, what caste are you, and whose slave are you?

Answer.—My country is Chawakaat, my house name is Walatatadato Paramba; caste Wittoowan; slave of Virran Cooty Kanakapilla.

When did you come here, why and with whom did you come here?
Ten years ago, one day in the night, Carawakaran, Moideer Cooty, Moopas, Brother and another man, came to the house of a tien when I was drinking toddy, seized, carried, and delivered me bound to Carooakaran Moidun, mopa of Chawakat, who embarked me on board a manchoo, and landed me at Anjarakandy.

What are the names of your father, mother, and anamon (uncle)?
My father's name is Chorakoran; my mother, Ara, and my anamon, Kai.

Have you a house and family?
I have a house and family in my country, but they did not know when I was seized and brought to this place.
(signed.)

Witnesses, Areata Kannen. Makankandy Purry.

N° 3.—Examination of Wettoowan Cherookoran, aged about 32, taken on the 17th Danoo 987, or 30th December 1811, before the Magistrate in the Zillah, North Malabar.

Question.—Which is your country, what is your caste and name?

Answer.—My country is Chawakat, to the southward caste Wittoowan, name Cherookora.

How many years is it now since you was brought to this place, and who is your tambooran?
I was brought to this place 10 years ago, and my tambooran is Nuran Kanakapilla.

How did he bring you to this place?
Karooakar, Moopas, Brother, Koovil Cunhy Markar, came at night, called me to go with him to work, and carried my wittoaly and a child to Karooakar Moopa; at that time there were three others amongst them, when a sepoy came from Anjarakandy; Moopa gave him a writing, and embarked us, six persons, on board a manchoo, and sent us to Mr. Brown. While at Anjarakandy, my child and three other persons died; I have now only a son, he is eight years old; his name is Ramen.

Did any body know of your having been brought as you have stated?
Yellaly Mopilla was the person who put us in the stocks, and came with us to Anjarakandy; my tamburan and my family did not know of it.

Do you know the name of the sepoy that came with you?
No, I do not.

What are the names of your (uncle) carnawer, father, mother, and your house name?
The name of my uncle is Kai; father, Cheroon Koran; mother and the house name is Wallaladala Parambo.
(sworn and signed)

N° 3.—Examination of Wittowam Ayapan, aged about 18, taken on the 11th Danoo 987, or 24th December 1811.

Question.—What is country, what is your caste, your house name, and whose slave you are?

Answer.—My country is Chawakut, caste Willowan, my house name is Moondarawilapil, and I am the slave of Kakat Menson Kambil.

What

What are the names of your father, mother, and amamon (uncle)?
My father's name is Coran; mother, Chakey; amamon, Candapore.

When did you come to this place; why and with whom did you come?
Ten years ago, when I was a child, and while I was tending cattle, Karooakaren Moideen Cooty Moopa's men came and seized me; on the road, when the passengers looked at me, he covered me with his shield, and thus took me to Willenhout, where I was kept shut up in a room; and on that very night I was embarked on board a manchoo to Anjarakandy, and there he landed me.

Have you a house and family; if so, did they know when he brought you to this place?
Yes, I have a house and family; but before I was brought to this place, my father was dead; all the others were alive, but they did not know of where I had gone.

(signed.)

Witness, Arratoo Kannen. Markankandy Parry.

N° 3.—Examination of Wattoowam Ayapen, about 18, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—Which is your country, what is your caste and name, how many years is it now since you was brought to this place, and who is your tamburan?
Answer.—My country is Chawakaat; caste, Wittoowan; my name is Ayapen; I was brought to this place about ten years ago; I think my tamburan is Kakat Menon.

How did he bring you to this place?
While I was playing with some children that were tending cattle in the day time, Karooakaran Moopa's man, a mopilla, came, seized me, and covered me with a shield, to prevent people taking notice of me, and carried me to Williancote, and kept me in a room where others were confined; from thence we were all put on board a manchoo, and landed at Anjarakandy, and placed in Mr. Brown's pandshall; one Karaky, one Vitoowan, and one Vitoolvaty, who were brought with me, are here now.

What are the present names of Kanaky and Wittoowans, that were brought with you?
Kanaky is called Coucky; Wittoowan, Kandah Koran, and Witoowaty, Chaky; Witoowan and Vitooaty are here, and Karaky is at Anjarakandy.

How old are you; what are the names of your father, mother, and karawor?
I am about 18 years old; my father is called Karen; my mother, Chaky; my karnawar, Kandapen.

Did any body know of your having been seized and brought to this place?
No.

What is your house name?
Mondor Wallapa.

(sworn and signed.)

N° 4.—Examination of Wittoowan Kanden, aged about 30, taken on the 11 Danoo 987, or 24th December 1811.

Question.—Which is your country, what is your caste, house name, and whose slave are you?
Answer.—My country is Armbur; caste, Wittoowan; house name, Kollery; and am the slave of Arimbur Karikar.

When did you come to this place; why, and with whom did you come?
Ten years ago, when I was a child, when my mother was taking me to her eldest sister's house, Karooakar, Moiden, Cooty, Moopa's people, came, seized and took us to Chawakut; I don't know their names; they kept us there a month, and afterwards they embarked us on board a manchoo, and landed me and my mother at Anjarakandy; my mother is now with me here.

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What are the names of your father, mother, and amamon?
My father's name is Changaran; mother, Chaky; amamon, Kai.

Have you a house and family; if so, did they know of your having been brought to this place?
I have a house and family; but they did not know of their bringing me and my mother away.

(signed.)

Witness, Areatoo Kannen. Markakandy Parry.

N° 4.—Examination of Wittoowan Kanden, about 30 years old, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, your name and caste?
Answer.—My country is Tuchartoo, to the southward; caste, Wittoowan; my name is Kanden.

How many years is it since you were brought to this place, and who is your tamburan?
I was brought ten years ago; my tamburan is Arembara Kariakara.

In what manner was you brought to this place?
At night, Wallaly Mopla, one of Karooakaram Moopa's men, came, seized me and my sister, and took us to the Moopa; two days after, we were embarked in a toney to Anjarakandy, and delivered over to Mr. Brown.

How old are you, and what are the names of your father, mother, and karnawor?
I am not certain how old I am; my father's name is Changaram; my mother's, Chaky; and karnawar, Kai.

Who carried you to Anjarakandy, to Mr. Brown?
Willaly Mopilla.

(sworn and signed.)

N° 5.—Examination of Wittoowan Ramen, aged about 18, taken on the 11th Danoo 987, or 24th December 1811.

Question.—What is your country, your caste, your house name, and whose adiam are you?
My country is Chawakat; caste, Wittoowan; my house name, and whose adiam I am, I don't know.

What are the names of your father, mother, and amamon?
I don't know their names.

When did you come here, for what purpose, and with whom did you come here?
When I was young, and having no sense at that time, the mopillas seized and put me on board a manchoo, and landed me at Anjarakandy; I don't recollect any thing more.

(signed.)

Witnesses, Areata Kannen. Markon Kady Parrey.

N° 5.—Examination of Wittoowan Ramen, aged about 18, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and your name?
Answers.—My country is Chawakat; caste, Wittoowan, and my name is Ramen.

How many years is it now since you was brought to this place, and who is your tamburan?
I was brought to this place ten years ago; I don't recollect my tamburan.

How was you brought to this place?
When I was asleep at night, two mopillas came, seized and carried me to Karooakar Moopa's pundeshall, from whence I was embarked on board a manchoo, and sent to Anjarakandy, to Mr. Brown's plantation; five persons that were sent with me, three are dead, and two are here; their names are Veloeven Changran and Nelly.

How

How old are you, and what are the names of your father, mother, and amamon?

I don't know how old I am, or what are the names of my father and mother.

(sworn and signed.)

N° 6.—Examination of Wittowan Canden Coran, aged about 25, taken on the 10th Danoo 987, or 21st December 1811.

Question.—Which is your country, what is your caste, your house name, and whose adima are you?

Answer.—My country is Kadangaloor; caste, Wittoowan; my house name, Peyoo Patty, and I am the adima of Koudakut Tapen.

What are the names of your father, mother and amamon?

My father's name is Parum; mother, Chakky, and my amamon, Erry.

When did you come here, for what purpose, and with whom did you come here?

Ten years ago, when I was young, Karookaran, Moideen Cooty Moopa's men came, seized me while I was tending cattle, and shut me up in a room at Moideen Cooty Moopa's house; the next day at night they embarked me on board a manchoo and landed me at Anjarakandy.

Have you a house and parents?

I have in my country a house, mother, sisters and brothers, and several other relations; they did not know of their bringing me away.

Witness, Arcatoo Kannen. Markankandy Parry. (signed.)

N° 6.—Examination of Wittowan Canden Coram, aged about 25, taken before the Magistrate on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, your caste and name?

Answer.—My country is Kadangaloor; caste, Wittowan, and name, Kanden Koram.

How many years is it since you was brought here, and who is your tamburan?

I was brought ten years ago; my tamburan is Kandakat Tapan.

How were you brought to this place?

When I was tending cattle, Karookar Moopa's man came, seized and carried me to Chawakat, and shut me up in a room; on the third day he embarked me in a tooney and delivered me to Mr. Brown; at that time there were in that tooney with me one Wetoaty and a Wittoan.

What are the names of your karnawar, father, mother, and how old are you?

The name of my karnawar is Erry; father, Parun; mother, Chakky; I don't know how old I am.

What is the name of your house?

Kaidawalapel.

Do you know the names of the mopillas that seized and brought you to this place?

No, I do not; I saw there the moopas.

(sworn and signed.)

N° 7.—Examination of Wittoowan Chekapen, aged about 15, taken on the 11th Danoo 987, or 24th December 1811.

Question.—What is your country, caste, your house name, and whose adima are you?

Answer.—I heard my country is Clohmay Manaporon; caste, Netoowm; the house name I don't know.

What are the names of your father, mother and amamon?

My father is called Oony Coran; my mother, Chaky; I don't know my amamon.

When did you come here, for what purpose, and with whom did you come here?

I heard the mopillas had seized and brought us to this place; at that time I had no sense.

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Is there now any of your parents with you, if so, state their names?
I have now with me my eldest brother, Ramen; my eldest sister, Chaky, and her sister, Kally, and a child of the deceased sister, by name Coroomba.

Witness, Areyata Kaknin. Markakandy Parry. (signed.)

N° 7.—Examination of Wettoowan Chakappen, aged about 15, taken before the Magistrate in the Zillah North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste and name?
Answer.—My country is Chitooway Manaforam; caste, Wittoowan; my name, Chakapen Kaidakam; Paramba is the name of my house.

How many years is it since you have been brought to this place, and who is your tamburan?
It is about ten years ago since I have been brought here; I am the adiam of Arayan Parambil Canacham.

In what manner were you brought here?
I was seized and carried to Anjarakandy while a child, and made to stay at Brown Sahib's Pandishall.

What are the names of your father, mother and karnawar?
My father's name is Coran; mother's, Chakky; and carnawar's I don't know.

Have you been to your country since you came to this place?
No.

How came you to know the names of your house, father and mother?
My father and mother died at Anjarakandy; I was seized and brought along with them.

Are there now any of your relations left?
There are here now my eldest brother, Ramen; my sisters, Chakky and Kally.

Is it not better for you to live at Anjarakandy when you have your parents there?
No, I wish to go to my couutry.

N° 8.—Examination of Wittowan Kai, aged about 25, taken on the 11th Danoo 987, or 20th December 1811.

Question.—What is your country, caste, house-name, and whose adima are you?
Answer.—My country is Kottapadys, to the southward; caste, Wittoowan; house name, Vattakat; I am the adima of Poomatoor Keroomenon.

What are the names of your father, mother and amamon?
My father's name is Cockin; mother's Aia; amamon, Kai.

When did you come here, for what purpose, and with whom did you come here?
Ten or thirteen years ago, when I was a child, Karooakar, Moideen, Moopa's men, Willaly Mopilla, Cunhamoo Mopilla and a tean came in the jungle where I was tending cattle, seized and carried me to the house of Chawakat Moideen Moopa, and kept me there for ten days; afterwards one day at night they laid hold of me, tied and embarked me on board a manchoo, and landed me at Anjarakandy.

Have you a house and parents, and did they know of your having been seized and brought to this place?
I have a house and parents in my country; they did not know my being seized and brought away.

Witnesses. (signed.)

N° 8.—Examination of Wuttakat Witooan Kai, aged about 25, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and your name?
Answer.—My country is Kottapadikel, to the southward, in Ponatoor; caste, Wittoowan; and my name is Wattakot Kai.

How

How many years is it since you have been brought to this place, and who is your tambooran?

Five or ten years ago; I think I am the adima of Corumenon Tambooren.

How did they bring you here?

When I was tending cattle in the jungle, Willaly Mopilla and a tean seized me and carried me to Caraoakara Moopa, when one day at night I was embarked on board a manchoo and sent to Mr. Brown at Anjarakandy.

What are the names of your father, mother, and karnawar?

My father's name is Cochen; my mother's, Aia; and karnawar, Kar.

Who seized and brought you to Anjarakandy; did your parents know of your having been seized and carried away?

Caotially Mopilla seized and brought me to Anjarakandy; my parents did not know of their bringing me away.

(sworn and signed.)

N° 9.—Examination of Wittoowen Aipen, aged about 30, taken on the 11th Danoo 987, or 24th December 1811.

Question.—What is your country, caste, house name, and whose adima are you?

Answer. — My country is Tokay in Cherrykallil, to the southward; caste, Wittowan; house name, Andikatoo; I am the adima of Karkat Moideen.

What are the names of your father, mother, and amamon?

My father's name is Ayapen; mother's, Neely; amamon, Copen.

When did you come here, for what purpose, and with whom did you come here?

I don't know when I came here. When I was tending cattle, two mopillas came, seized and carried me to Chawakat, and shut me up there in a room; their names I don't know; whence I was embarked on board a manchoo, and landed me at Anjarakandy.

Have you a house and parents?

Yes, I have in my country; my mother and three sisters, one brother, and a house; they did not know of their bringing me away.

What are their names?

My mother is called Nuly; brother, Changran; sisters, Coda, Ponny, and Nuly.

(signed)

Witnesses. Arcata Kannen. Markankandy Parry.

N° 9.—Examination of Wittoowan Aiapen, aged about 30, taken before the Magistrate in the Zillah, North Malabar, on 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Chetooway Tokay in Cherykalil, to the southward; caste, Wittoowan; name, Aipen; my house name, Andicatus.

How many years is it since you have been brought to this place, and who is your tamburan?

Ten years ago I was brought to this place; I am the adiam of Karakat Moideen Mopilla.

How did they bring you here?

When I was tending cattle, Karooaker Moopa's men came, seized and carried me to Chavakat to Karooaker Moopa, who embarked me on board a manchoo, and sent me to Mr. Brown at Anjarakandy. Cadden Wittoowan was also sent with me, but he made his escape from the pundishall.

What are the names of your father, mother, amamon; and how old are you?

My father's name is Aipen; mother's, Nuly; amamon, Komapan. I don't know how old I am.

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Who were the persons that brought you to Anjarakandy?
I don't know their names. The manchoo's muequas brought me to Anjarakandy.

(sworn and signed.)

N° 10.—Examination of Wittoowan Changran, aged about 40, taken on the 10th Danoo 987, or 23d December 1811.

Question.—What is your country, caste, and whose adima are you?
Answer.—My country is in Chawakat Maidery, to the southward; caste, Wittoowan; my house name, Chakattatel. I am the adima of Yarata Ainally Mopilla.

What are the names of your father, mother, and amamon?
My father's name is Aiapan; mother's, Nulee; amamon, Kanden.

When did you come here; for what purpose, and with whom did you come here?
Eight years ago, one day, Chanden Parambil Cunhy, Moideen and Willaly Mopilla, came to Choonatta salt pan, where I was working; seized, and took me to Tuttaipil, where they embarked me on board a manchoo, and landed me at Anjarakandy.

Have you a house and parents?
Yes, I have a house and parents in my country; they did not know of my being brought to this place.

(signed.)

Witnesses. Arcatao Kannen. Markarkandy Parry.

N° 10.—Examination of Wettoowan Changran, aged about 40, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?
Answer.—My country is Maridary, to the southward; caste, Wittoowan; name, Changren.

How many years is it since you have been brought to this place, and who is your tamburan?
Ten years ago I have been brought to this place; my tambooran is Yarata Ainally Mopilla.

How were you brought to this place?
When I was working in the salt pan, Wellaly Mopilla and Chanaporata Coony Moideen Mopilla came, seized me, my wetooty, and my three children, and carried us by land to Karooakur Moopas, where they shut us up in a room, and kept us there two days; on the third day they embarked us on board a manchoo, and sent us to Mahi, where the Anjarakandy saib was living; that day they kept us there; the next day we were again embarked in a manchoo, and sent to Anjarakandy; my wetooaty and two children died at Anjarakandy, and now myself and one child remain.

What are the names of your karawan, father and mother?
My karawan's name is Canden; father's Aiapen; and mother's Neelee; my house name is Chakatatila Paramba.

Who brought you to this place?
The macqkuas; I do not know their name.

(sworn and signed.)

N° 11.—Examination of Wettoowaty Neely, aged about 25, taken on 11th Danoo 987, or 24th December 1811.

Question.—What is your country, caste, your house name, and whose adima are you?
Answer.—My country is Cankanny, to the southward; I do not know my house name; caste is Wetooaty; am the adima of Tendil Christna Camul.

What are the names of your father, mother, and amamon?
My father's name is Aiapen, mother's Pony; karnawor, Chanan.

When

When, did you come here; why, and with whom did you come here?

Ten or fifteen years ago; one day, Karooakar Moopa's men, Nair Cunhy, Amad and Wilally Mopilla came, seized me and my wittoowan, and took us to Karooakar Moopa, where they put my wettoowan in the stocks, and me they shut up in a room; after three days they embarked us on board a manchoo, with other wettoowans and pooliars, and landed us at Anjarakandy; my wettoowan is dead; I have one daughter.

Have you a house and parents; if so, did they know of your having been seized, and carried away?

I have a house and parents in my country; they did not know of my being carried away.

(signed.)

Witnesses, Araryata Kannen. Markarkandy Parry.

N° 11.—Examination of Wettovaty Neelee, aged about 25, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Peroompaddapa Cankanny, to the southward; caste, Wettooaty; name Neelee.

How many years is it since you were brought to this place; and who is your tamburan?

I think it is about ten years ago since I was brought to this place; my tamburan is Tendil Christna Camul.

How did they bring you to this place?

One day at night, Karoowakur Moopa's men, Wellaly Mopilla and Nair Cunhy Amad, came in my house, seized me and my wettooan, embarked us in a toney and took us to Karooakar Moopa, where they shut us up in a room for three days, and on the fourth day, they embarked us again on board a manchoo, and took us to the sahib of Anjarakandy; two wettoowans, two wettooatus, two or three pooliars, were brought with me; the latter are still alive, and the others are dead. I have now a child, by the name of Chaky.

How many children have you now?

I have only one child, born at Anjarakandy.

What are the names of your father, mother, and amamon?

My father's name is Aiapin; mother's, Pony; karnawur, Chanan.

Who was the person who brought you to Anjarakandy?

Wellaly Mopilla embarked me on board a manchoo, he and mucqwas took me to Anjarakandy.

(sworn and signed.)

N° 12.—Examination of Wettooaty, aged about 35, taken on 24th December 1811, or 11th Danoo 987.

Question.—What is your country, caste, your house name, and whose adima are you?

Answer.—My country is Parawar, to the southward; caste, Wettooaty; the house name I do not recollect; I am the adima of Parawar Tamburan.

What are the names of your father, mother, and amamon?

My father's name is Kadden; mother's, Korumba; amamon, Chungran.

When did you come here, why, and with whom did you come here?

Ten years ago; one day Karooakar Moopas men, Willaly Mopilla and Nair Cunhy Amod, came at the time my people went to work, seized, took and kept me in the Chawakat Fort, and from thence they carried me to Tottanpilly, embarked me with some wettoowars and pooliars on board a manchoo, and landed us at Anjarakandy.

Have you a house and parents; if so, did they know of your having been seized and brought to this place?

I have a house and parents in my country; they did not know of their seizing and bringing me to this place.

(signed.)

Witnesses, Arcatoo Kannen. Markankandy Parry.

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N° 12.—Examination of Wettoowaty Aya, aged about 35, taken before the Magistrate in the Zillah, North Malabar, on 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Chenna Mangalom, to the southward of Kodangaloor; caste, Willooaty, and name Aya.

How many years is it since you were brought to this place, and who is your tambooran?

I think it is about ten years ago that I was brought to this place; my tambooran is Parawoor Tambooran, of Chena Mangalom.

How was you brought to this place?

One day, when I was sitting in my house, at day time, Karoowakar Moopa's followers, Wellaly Moopilly, Nair Cunhy Amod, with several other mopillas, came, seized and embarked me in a toney, and carried me to Karooakeer Moopa's house, where they kept me two days; afterwards they embarked me again with two wettoowans in a toney, and sent us to Anjarakandy, to Mr. Brown's pundishall; the two wettoowans died at Anjarakandy.

What are the names of your father, mother, and amamon?

My father's name is Canden; mother's Corumba; and karnawar, Chaltan.

Have you now any children?

No, I have none.

Who brought you to this place?

Wellaly Mopilla and Nair Cunhy Amod.

What is your house name?

I do not know.

(sworn and signed.)

N° 13.—Examination of Wittooaty Neelee, aged about 30, taken the 11th Danoo 987, or 24th December 1811.

Question.—What is your country, caste, house name, and whose adima are you?

Answer.—My country is Maroodaroo; caste, Willooaty; house name I am not certain of; and I am the adima of Erratah.

What are the names of your father, mother and amamon.

My father's name is Changran; mother's Aya; and amamon Ayapen.

When did you come here, for what purpose, and with whom did you come here.

Ten years ago, one day Karooakar Moopa's men, Willaly Mopilla, Chandamporambil, Cunhy Moideen, mopilla, with several other mopillas, came at the time that my father and mother went to work, seized, carried me to Chawakat, and kept me there; they then went a second time, seized my father, mother, and their children, and brought them also to the place where I was, and kept us all there for a few days; afterwards, one day at night, they took us to Fottapil, where they embarked us on board a manchoo, and landed us at Mahé, from whence we were embarked again in a toney, and landed at Anjarakandy.

Of those seized, how many remain and are now with you?

My father, mother, my youngest sister, my younger brother were seized, and now only my father and myself remain; I have now two children with me, and they are these.

Witness. (signed)

N° 13.—Examination of Neelee, aged about 30 years, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste and name?

Answer.—My country is Maroodary, to the southward; caste, Willooaty; my name, Neelee.

How

How many years is it since you have been brought to this place, and who is your tamburan?

Ten years ago I was brought to this place, and my tamburan is Erratah Ayanany Mopilla.

How did they bring you to this place?

When my father and mother went to work, Willaly Mopilla and Chandanapovatoo Cunhy Ammod Mopilla came, seized me, and took me away to a short distance, and asked me if I had father and mother; I replied, that I had; and they returned a second time, and brought my father and mother, and my younger brother and sister, and we all were afterwards carried to Moopa's house, where we were kept for a month; afterwards they told us that they were going to take us to Tottapel (another house of the moopa's, but afterwards, we five persons, together with a wittoowan boy, were embarked on board a manchoo, and delivered to Mr. Brown at Anjarakandy; a few days after, my mother, brother, and sister died; my father, myself, and the two children that I had since I came to this place, still remain.

How old are you, and what is your house name?

I am about thirty years old, and my house name is Chakatatel Wallapil.

What are the names of your father, mother, and karnawor?

My father's name is Changran; mother's, Ayah; karnawor, Ayapen.

How old are the children that you had since you came to Anjarakandy?

They are females, one five years old, the youngest two.

(sworn and signed)

N° 14.—Examination of Kalee, aged about 35 years, taken on the 11th Danoo 987, or 24th December 1811.

Question.—What is your country, caste, house name, and whose adima are you?

Answer.—My country is Chawakat, caste Wellooaty, house name Manote. I am the adima of Chawacot Cotta Moopah.

What are the names of your father, mother, and amamon?

My father's name is Arapen; mother's Cotta; amamon, Conda.

When did you come here, why, and with whom did you come here?

Ten years ago; one day, Karooakur Moopa's man, Willaly Moopilla came, called me to go with him to work; but he took me to Karooakar Moopa's house, and shut me up in a room, and that night he embarked me, my son (a child), and some Wittooars and Pooliars on board a manchoo, and landed us at Anjarakandy. My son fell into the river, and was drowned. I have now one boy, he is this.

Have you a house and parents, if so, did they know that you have been seized and carried away?

I have a house and parents in my country; they did not know of my being seized and brought away.

(signed)

Witnesses, Arcata Kannen, Markarkandy Parry.

N° 14.—Examination of Kalee, aged about 35 years, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Chawakut; caste, Wattoowaly; name, Kallee; my house name Chakundda.

How many years is it since you were brought to this place, and who is your tambooran?

I was brought about ten years ago, and my tambooran is Kotta Moopah.

How was you brought to this place?

Willaly Mopilla came at night, seized me and my child, and carried us on board a manchoo to Anjarakandy, and placed us there at Mr. Brown's pandishala; my son Ayapen fell into the river one day while looking after the Saheb's cattle, and was drowned.

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drowned. I did not know where to tell my grievances, therefore I did not complain; now I have this boy, his name is Chamen.

What are the names of your father, mother, amamon, and your house name?

My father's name is Aipen; mother's, Cotta; amamon, Conda; house name is Manote.

How old are you?

About 35 years of age.

How many children had you since you came to Anjarakandy?

I had five children since I came to Anjarakandy; one boy, by the name of Chamen, aged about fourteen years, only remains.

(signed)

N° 15.—Examination of Chakky, about 30 years of age, taken on the 10th Danoo 987, or December 23d, 1811.

Question.—What is your country, caste, why, and with whom did you come here?

Answer.—My country is Perempadapoo Kankaroo Tarah; caste, Wetvoaty. I will state how I came to this place: about ten years ago, I think, one day, at night, three mopillas came in my house, seized, and carried me to Tottapy, and shut me up there for a month; from thence they embarked me on board a manchoo, the people of the manchoo landed me at Anjarakandy; afterwards, the Wallia Achen (Mr. Brown), of Anjarakandy pundishall, kept me at Anjarakandy, where I had two children; they are young, and here they are.

Did the people of your house know that you had been seized and carried away?

No, they did not.

Whose wettooaty are you?

I don't know whose wettooaty I am.

Have you father, mother, and amamon (uncle), if so, what are their names?

My father's name is Cherookoen; mother's, Aga; they both are dead, my amamon is called Arapen; he was alive when they seized and brought me away.

(signed)

Witnesses,—Areatoo Kannen, Markankandy Parry.

N° 15.—Examination of Chakky, aged about 30; taken before the magistrate on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Perimpadapookanhanoo Tarrah; caste, Wetooaly; and name Chaky.

How many years is it since you were brought to this place, and who is your tamburan?

I was brought about eight years; I think my tamburan is Poonatoor Tamburan.

How did they bring you to this place?

One day, at day-time, when I was sitting in my house, Karoowakaran, moopas people, Wilbaly Mopilla and Nair Cunty Amod, come, seized and took me to the moopa's house, and shut me up there for three days; on the fourth day, at night, they embarked me. Two Wettoowans and one Witoowan that was sent with me is dead, and a Witooan and a Witoowaty are here. I have two children now, Ramen and Diapan; one is five, and another six years old.

At what time was you seized?

At night-time, when I was eating rice.

What are the names of your father, mother, karnawor, and your house name?

My father is called Cherookoren; mother, Aga; karnowar, Aiapen; my house name is Pookatoo Porah.

(sworn and signed)

N° 16.—Examination of Chakky, aged about 30 years, taken on the 11th Danoo 987, or 24th December 1811.

Question.—What is your country, caste, house name, and whose adima are you?

Answer.—My country is Kakany to the southward; caste, Namboodry; my house name is Perincoori.

What are the names of your father, mother, and amamon?

My father's name is Ayapen; mother, Kally; and amamon, Ramen.

When did you come here, for what purpose, and with whom did you come here?

Fifteen years ago Karooakar's people came, seized me, my mother, and my daughter (a child), and carried us to Chawakat Moopa; took away my child, and embarked me and mother, and other Wittoowars, on board a manchoo at night, and landed us at Anjarakandy. The son that I have now, he is this (an infant at the breast.)

Have you a house and relations; if so, did they know that you had been seized and carried away?

I have a house and relations in my country, but they did not know of our being stolen and carried away.

(signed)

Witnesses, Areatoo Kanner, Markarkandy Parry.

N° 16.—Examination of Chakky, about 30 years of age, taken before the magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Chawakat; caste, Weetooaty; and name, Chakky.

How many years is it since you were brought to this place, and who is your tamburan?

I think about 10 years ago I was brought to this place; my tamburan is Chengally Namboorg.

How was you brought to this place?

One day, at night, Karooakur Moopa's man, came, seized me, my mother, and my daughter (a child), and took us to the place where several others had been seized, and shut us up amongst them; when we all were about embarking in a toney, my child was left behind, I therefore cried, on which they laid hold of me, tied me to a cocoa-nut tree, beat, and then embarked me in a toney, and covered us with a mat, and took us to Anjarakandy Sahib, where my mother died; my child was not sent with me here. Since my arrival at Anjarakandy I had four children, one only is alive, aged four years.

How old are you?

About 30 years of age.

What are the names of your house, father, mother, and karnawor?

My house name is Caruncoon; father, Aiapan; mother, Cally; and karnawor, Ramen.

Have you had any child since you came to Anjarakandy?

From the four that I had brought forth, one only is alive.

(signed and sworn)

N° 17.—Examination of Wiltooaty Neely, about 25 years of age; taken on the 10th Danoo 987, or 23d December 1811.

Question.—What is your country, caste, why, and with whom did you come to this place?

Answer.—My country is Chawakat in Paloor Tarrah; caste, Willooaty. The reason of my coming hither is, that Cunhy Omod Mopilla seized me one day, at day-time, from my house, and in the same day took me to Ponary, and embarked me on board a manchoo; the people of the manchoo landed me at Mahé, where they detained me one day, and the next day they put me again on board the same manchoo, carried me to Anjarakandy, where the Wallia Achan (Mr. Brown) made me stay at the pandisshall; since then I have brought forth a girl, which is this.

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Did the people of your house know of your having been seized and brought to this place?
No, they did not.

Whose Wetooaty are you?
Mopilla Seydayen Moopa.

Are your father, mother, and carnawar alive; if they are, what are their names?
My father's name is Chargran; mother, Aya; and carnawar, Changary; they all dead.

Have you any relations in your country?
Yes, I have three sisters and one brother.

Witnesses, Areatoo Kannen, Markankandy Parry.

(signed)

N° 17.—Examination of Wettooaty Neely, aged about 25; taken before the magistrate of the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?
Answer.—My country is Chawairat; caste, Wittooaty; and name, Nelly.

How many years is it since you have been brought to this place, and who is your tamburan?
I think it is 10 years since I have been brought to this place; my tamburan is Seidan Moopa Mopella.

In what manner were you brought here?
One night, about day-break, Cunhy Amod, Mopila of Chawakat, came and told me to go and weed the paddy field; but instead of that, he took me by land to Penang, from whence he embarked me in a toney, landed me at Mahé; there he detained me one day, and the next day took me to Anjarakandy; after my arrival at that place, I brought forth two children, one of which died, and the other one is five years old; his name is Coromba.

How old are you?
I think I am about 25 years old.

What are the names of your house, father, mother, and carnawor?
My house name is Payakut, father, Changram, mother, Aya, and carnawor, Changry.

(sworn and signed)

N° 18.—Examination of Bhaky, aged about 22, taken on the 11th Danoo 987, or 29th December 1811.

Question.—What is your country, caste, house name, and whose adima are you?

Answer.—My country is Chawakat, caste, Wittooaty; I am not certain of my house name; am the adima of Oonatoor Koroo Nair.

What are the names of your father, mother, and carnawor?
My father's name is Cochin, mother's, Moonddy, and caranawen's, Ayapen.

When, for what purpose, and with whom, did you come to this place?
About ten years ago, when I was going to work, Williat Mopilla, Nair Cunhy, Amod, and Cunhy Amod, called and desired me to carry some cadjans, took me to Chawakat Carooakaren, Cunhy Moidun Moopen's house, where they shut me up in a room, and afterwards they took me to Welliangattoo, and shut me up there also in a room with some Pooliars, and embarked us all on board a manchoo, and carried us to Anjarakandy.

Have you a house and parents, if you have, did your parents know of your having been seized and brought to this place?
I have a house and parents, but they did know of my having been seized and brought to this place.

(signed)

N° 18.—Examination of Chaky, aged about 22, before the Magistrate of the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Chawakat, caste Wetooaty, and name Chaky.

How long is it since you have been brought to this place, and who is your tamburan?

It is ten years since I have been brought to this place; I am the adima of Poonatoor Tamburan.

In what manner were you brought here?

While I was pulling up grass from the paddy field, three persons of Karooakar Moopar came there, and told me that there was a bundle of cadjans to be carried; seized me and took me to Welliankote, and shut me up in a room, in which there were two Pooliars, two Wettoowars, and two Kana Kannar, from whence we were all put on board a manchoo, and taken to Anjarakandy; I made a stay at Brown Saib's banksaul. The two Pooliars and Wetoowars that were brought with me, are now present, and the two others died at Anjarakandy.

What are the names of Karooakaran's people who seized you?

Willaly Amod is the name of one, and Nair Cunha Amod and Country Amod are those of the two others.

How old are you?

I am about 22 years old.

What are the names of your house, father, mother, and carnawor?

My house name is Pallapoo, father's Cochen, mother's Moonddy, and carnawor Ayapen.

How many children have you brought forth since your arrival at Anjarakandy?

None. (signed)

N° 19.—Examination of Chaky, aged about 30, taken on the 11th Danoo 987, or 24th December 1811.

Question.—What is your country, caste, and house name, and whose adima are you?

Answer.—My country is Witlancotta, caste, Wettooaly, house name I do not know; I am the adima of Kariantala Panikamar.

What are the names of your father, mother, and carnowar?

My father's name is Changran, mother Aya, and carnawan Changran.

When, for what purpose, and with whom did you come here?

Karoakaren Moopa's people, Wittaly Mopilla, and Nair Cunhy Amod, came about ten years ago, seized me and my wittoowan at night-time, and shut us up in a room, and afterwards put us on board a manchoo, and carried us to Anjarakandy; my wittoowan died at that place.

Have you a house and family; if you have, did they know of your having been seized and brought here?

. I have a house and relations; they did not know of my having been seized and brought to this place.

Witness. (signed)

N° 19.—Examination of Chaky, aged about 30, taken before the Magistrate of the Zillah, North Malabar, on the 17th Danoo 987, or 30th Dec. 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Welleargotto, caste Wittooaty, and name Chaky.

How many years is it since you have been brought to this place?

It is about ten years since I have been brought here, and my tamburan is Karooantala Werayen Panikar.

. In what manner were you brought here?

Wittaly Mopla was sent by Karooakar Moopa to my house, and he seized me, took me to Chawakat, and detainded me there one day, afterwards embarked me in a manchoo, took me to Anjarakandy, and made me stay at Brown Saib's banksaul.

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How old are you?
I am about 30 years old.

What are the names of your house, father, mother, and carnawor?
My father's name Changaran, mother's Aya, carnawor Changian, and house Tyatoo.

Did your tambooran know of your being seized and brought to this place?
No, he did not.

Have you had any child since your arrival at Anjarakandy?
I had two, but both died.

Was any other person brought with you?
My husband and about ten or twelve Pooliars and Wittowors were brought with me, all of which died, excepting two Witooattys.

(signed)

N° 20.—Examination of Chaky, aged about 20, taken on the 11th Danoo 987, or 24th December 1811.

Question.—Which is your country, of what caste are you, what is your house name, and whose slave are you?
Answer.—My country is Chetooway Maraporam; caste Wittooaty; I do not know any thing else; my brother Ramen is now present, and he knows every thing.

Why, when, and with whom did you come here?
I am not certain of the time and manner I came here; one day, several mopas came, surrounded my house, seized us all, put us on board a manchoo, and took us to Anjarakandy; we are now four in number, and all the rest died; my deceased sister had a daughter, by name Corumba, and this is her.

What is the name of you four?
Ramen is the name of my eldest brother, Kally that of my younger sister, and Chakapen that of my younger brother.

(signed)

Witnesses, Areatoo Kannen. Markkandy Parry.

N° 20.—Examination of Chaky, aged about 20, taken before the magistrate of Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—Which is your country, and what is your caste and name?
Answer.—My country is Manukaram, caste Wittooaty, and name Chaky.

How many years is it since you have been brought here, and who is your tamburan.
It is about ten years since I have been brought here; my tamburan is Aremparambit Canner.

In what manner were you brought here?
One night, Carouaker Moopar people, Cooly Alla and Wellaly mopillas, and some other mopillas came, surrounded our house, seized me, my father, my mother, and seven children; took us near a nulla, embarked us all on board a manchoo, carried us to Anjarakandy, and gave us to Brown Saib, and since our arrival there, my father, mother, two eldest sisters, and one child, died, and we four now remain.

How old are you, and what is the name of your house?
I am about 20 years old; Cardattil Parambar is the name of my house.

What are the names of your father, mother, Carnawen and Wittoowan?
My father's name is Oonikoroo, mother's Chaky, Carnawan's Conden Canen, and Wittoowans Ayaper.

How many children have you brought forth since your arrival at Anjara kandy.
One, which is not alive.

Did your tamburan know of your having been seized and brought to this place?
He did not; we were forcibly seized and embarked on board a manchoo.

(signed)

N° 21.—Examination of Kally, aged about 18, taken on the 11th Danoo 987, or 24th December 1811.

Question.—Which is your country, of what caste are you, and what is the name of your residence, and whose slave are you?

Answer.—My country is Chettooway Panapooram; I am of Wittooaty caste; the name of my residence and whose slave I am, I am not certain of.

What are the names of your father, mother, and carnawan?

My father's name is Conikaroo, mother Chaky; carnawans I do not know.

When, why, and with whom did you come to this place?

I am unacquainted of the time and manner I came here; my friends told me that I was seized with them by moplas, put on board a manchoo, and taken to Anjarakandy; my brother Ramen, who is now present, knows of all the particulars.

How many of your relations are now present?

My eldest brother Ramen, eldest sister Chaky, younger brother Chakapin, and eldest sister's daughter, Caroomba, this infant.

(signed)

Witnesses, Areatoo Kannen. Marakandy Parry.

N° 21.—Examination of Chaky, about aged 20, taken before the magistrate of the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—Which is your country, of what caste are you, and what is your name?

Answer.—I do not know which is my country; am of the Wittooaty's caste; my name is Kally; if you ask my eldest brother, he will tell you the name of my country.

How many years is it since you have been brought here, and who is your tamburan?

It is about ten years I have been brought here; and I do not know the name of my tamburan, as I was then a child; you will know of all the particulars if you ask of my brother.

In what manner were you brought to this place?

I am wholly unacquainted with the manner in which I was brought, as I was then a child; my eldest brother will tell you about this subject if you ask him.

How old are you?

I am about ten years old.

What are the names of your father, mother, and carnawan?

My father's name is Oonikoroo, brother's Chaky, and carnawan's I do not know.

What is your house name?

My house name is Toopootao.

Have you had any child since your arrival at Anjarakandy?

No, I had not.

(signed)

N° 22—Examination of Neely, aged about 50, taken on the 11th Danoo 987, or 24th December 1811.

Question.—What is your country, and what is your caste and house name, and whose slave are you?

My country is Arempoore, caste Wittooaty, name of my residence Callery, and an Arimpare Karickais adian.

What are the names of your father, mother, and carnawan?

My father's name is Callery Changran; mother's, Chakky; and carnawan's, Khy.

When did you come here, and why, and with whom did you come?

Some years ago; while I was going with my son to Chawakara, Moideen Cutty Moopen seized and took us to his shop, where he detained us; after one month, he embarked me and my child in a manchoo, and landed us at Anjarakandy.

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Have you a house and family; if you have, did the latter know of your having been seized?

Yes, I have; my family did not know of the circumstance of my having been seized.

Witnesses. (signed)

N° 22.—Examination of Neely, aged about 50, taken before the Magistrate on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, and what is your caste and name?

Answer.—My country is Arimboor, in Perimpadah; caste, wettooaty; name, Nully.

How many years is it since you have been brought here, and who is your tamburan?

I think it is ten years since; my tamburan is Amboor Kariakar tamburan.

In what manner were you brought?

On my going to Chawacat with my younger brother Kandin (an infant), to see my sister, who was living there, Karooakaren Moopa seized me and the said child, and shut us in a room at his house, and, at night time, without any one seeing, he embarked us in a toney, covered with mats; and, whenever I lifted up my head to see where I was, he beat me and did not allow me to look out, and in this manner he took me, two children, two Wittowaties, and two or three Pooliars, to Anjarakandy, and made us all stay at Brown Saib's, where some Pooliars died, some ran away, and two Wittowaties now remain.

How old are you; and what is the name of your house?

I am about 50 years old; my house name is Collery.

What are the names of your father, mother, and carnawor?

My father's is Changran; mother's, Cheky; and carnawan's, Kahy.

(signed)

N° 23.—Examination of Nuly, aged about 28, taken on the 11th Danoo 987, or 24th December 1811.

Question.—Which is your country; what is your caste and house name; and whose slave are you?

Answer.—My country is Khanhary; caste, Wittooaty; and house name I don't know; I am the slave of Moolapally Kristnee Kamatoo.

What are the names of your father, mother, and carnawan?

My father's name is Ayapen; mother's, Coda; and carnawan's, Kanady.

When did you come here; for what did you come; and with whom did you come?

One night, about 10 years ago, while I was watching in the paddy field, Karooakar Moideen Cooty Moopa's people, Willaly Mopilla and some Teans came there, seized and took me to the beach, embarked me in a manchoo, and landed at Anjarakandy.

Original.

Have you a house and family; if you have, did your family know that you had been seized?

I am not certain of the people that were in my house; I have a daughter, whose name is Chaky.

Witnesses. (signed)

N° 23.—Examination of Nuly, aged about 28, before the Magistrate of Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—Which is your country, and what is your caste and name?

Answer.—My country is Kanhanny, in Perimpadapa; caste, Wittooaty, and name, Nuly.

How many years is it since you were brought here, and who is your tamburan?

It is five or six years since I have been brought here; my tamburan is Moolapilly Kritna Kamaloo.

In

In what manner were you brought?

While I was sitting in the paddy field at dusk, Karooakara Moopa's people and some mopillas and teans came there, and seized me, and took me to the Moopa's house at Chawkat, where there were at that time three Pooliars, one Kittooaty, and Wittooans. The next day, we were all embarked in a manchoo, and sent to Brown Saib, at Anjarakandy; the Wittooans and Wittooaties are all dead.

How old are you; what are the names of your father, mother, and carnawor?

About 28 years; my father's name is Ayapen; mother's, Coda; and carnawar's, Kanady; and the house name, I don't know.

(signed)

N° 24.—Examination of Chattan, taken on the 8th Danoo 987, or 21st December 1811.

Question.—What is your country; and what is your caste and house-name; and whose slave are you?

Answer.—My country is Wittatocare, in Anegadoo; caste, Enooleroo; house-name, Porrambittoo; and am the slave of Cherambittoo Awaran, mopilla.

What are the names of your father, mother, and carnawor?

My father's name is Chatta; mother's, Neely; carnawor's, Moondaten.

When, for what purpose, and with whom did you come here?

It is some years since I came here; Poothowan Panikar seized me, my wife, and four children, and took us to Panlghantcherry Fort, and sent us to Mahé, with some moplas and sepoys, whence we were taken to Anjarakandy; my wife and two children are dead, and two children are still alive.

State the names of your children?

The name of one is Kandy, and the other Chatten, and they are here.

Have you a house and family?

Yes, I have; my family did not know of our having been seized and brought here.

(signed)

Witnesses.

Examination of Chattan, taken before the Magistrate of Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country; of what caste are you; what is your house-name?

Answer.—My country is Willatara, in Anangattoo; caste, Erraban; name of residence, Challen.

How many years is it since you were brought here, and who is your tamburan?

It is 10 or 12 years since I was brought here; my tamburan is Chollamtatte Aworan, mopla.

In what manner were you brought here?

While I was working at Poothoomani, Panikare Paniker Embran told me that my tamburan had come to Palghaut Fort, and called me and took me to the fort, and made me stay there; afterwards one mopilla and one sepoy took me, my wife, and four children, by land, to Anjarakandy, three of whom are dead, and myself and two children still remain.

(signed)

N° 25.—Examination of Wellayen, on the 8th Danoo 987, or 20th December 1811, aged about 30.

Question.—Which is your country, what is your caste, and your house-name?

Answer.—My country is Jollanaad; I am of Pooliars caste; I don't recollect the name of my house.

What are the names of your father, mother, and uncle?

The name of my father is Chattan; my mother having died while I was a child, I don't know her name, and am not certain of my uncle's name.

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When, with whom, and for what purpose did you come here, and whose slave are you?

It is a long time since I came here, I don't recollect in what year it was; the mopillas came in the night time, seized and carried me away; who the moplas were I don't know; I am the slave of Allengal Rama Kooroop.

Have you a house and family?

I have my house and family in Palnaad; they did not know of my having been brought here.

State the particulars how you were brought here?

One night some mopillas came and surrounded my house, and seized us six persons, and embarked us in a toney from Mollankadsta, and brought us to Mahé, three of whom died, and I and the other two still remain.

What are their names?

The name of one is Omalla, and the other Villary.

Witnessess, Wahil Hoossen Cooty, Wittoo Landy Pacroomar.

(signed)

N° 25.—Examination of Wellayen, aged about 30, before the Magistrate of the Zillah, of North Malabar, on the 17th Danoo 987, or 30th December.

Question.—Which is your country, what is your caste and name?

Answer.—My country is Caicotte Palnaad; my caste is Pooliar; and name Wellayen.

How many years is it since you were brought here; and who is your tamburan.

It is about 8 years since I was brought here; Coorongate Chinkandin is my tamburan.

How old are you?

I am about 30 years old.

How were you brought here?

At night, while I was sleeping in my house, five or six mopillas came, surrounded my chala, seized and brought me in a toney to Calicut, from whence I was embarked and sent in a manchoo to Mahé, and thence to Anjarakandy; besides me, three Poolachees and two Pooliars, were also seized and sent; three of whom died; the other two, Vittary and Omalla, are now here.

(signed)

N° 26.—Examination of Poolian Arapen, taken on the 10th of Danoo 987, or 23d December 1811.

Question.—Which is your country, and for what did you come here?

Answer.—My country is Anatala in Tikke Perampadapa; I think it is about 12 years ago, when one day I was tending cattle, a mopla came, seized me and carried me to Carookara Moopa's shop, where I was kept one day in the stocks, and the next day, I and 8 or 10 other persons were embarked in a manchoo; the manjakar landed us in the Anjarakandy banksaul; I don't know the manjakar's name.

Whose slave are you?

I am the slave of Aralatoo Tandan.

Are your father, mother and uncle alive? If so, what are their names?

My father's is Coran, who is still alive; my mother, Kally, died; and my uncle, he (Arapen), is also alive

Did your tamburan and family know of your being seized and brought here?

No, they did not.

The persons who were brought with you, are they still alive?

There are now two or three Wittowais, and the other died.

Witnesses, Watil Hoossen Cooty, Willootandy Pacroomar.

(signed)

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N° 26.—Examination of Aiapen, taken before the Magistrate of the Zillah of North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—Which is your country, what is your caste and name?

Answer.—My country is Axalatoo, in Perampadapa; my caste is Pooliar, and name Aipen.

How many years is it since you were brought here, and who is your tamburan?

I was brought here about twelve years ago, and am the slave of Aralatoo Tandan.

In what manner were you brought here?

While I was tending cattle, a mopla came and seized me, and carried me to Carooakar Moopas, who kept me one day in the stocks, and the next day Karooakar Moopa sent me in a manchoo to Anjarakandy, and I was then put amongst the other charmans; when I was brought, ten Pooliars were also brought with me, five of whom died, and the other five are now here; they are Wittowans, therefore, I am not certain of their names.

How old are you?

I don't know.

N° 27.—Examination of Poolian Rama, taken on the 10th Danoo 987, or 23d December 1811.

Question.—What is your country, caste, house name, and whose adima are you?

Answer.—My country is Cawalapara; caste, Erralan; house-name, Madatoor Connatoo; and I am the adima of Cowalapara Nair.

What are the names of your father, mother, and carnawor?

My father's name I am not certain of; my mother is called Neely; and carnawor, Chatten.

When, for what purpose, and with whom did you come here?

It is about ten years since I came to this place; one night two mopillas seized me from my house, took me to Tehabatoo Moopen, in a forest named Katty Paretty, from whence I was taken to Penang, embarked on board a manchoo, and carried to Anjarakandy.

Have you a house and relations?

I have a house and relations in my country; they did not know of my having been seized and brought here.

Witnesses. (signed)

N° 27.—Examination of Poolian Rama, taken before the Magistrate of Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Cowalapara, to the southward; caste, Erralan; and name is Rama.

How many years is it since you have been brought to this place, and who is your tamburan?

It is about ten years since I was brought here; my tamburan is Kawalapara Nair.

In what manner were you brought to this place?

One night while I was asleep, two mopillas came, seized me and my younger brother, and made us stay with Takum Paraty Tekampat Amad Moopen, and afterwards sent us to a tamburan in Tellicherry, who sent us to Penang by four nairs, where we were detained two days in an upstair house, and afterwards embarked in a manchoo, taken to Anjarakandy and given to Brown Saib; after a few days my brother attempted to state an umma (a moplady) for which purpose he was brought to this court, and I understood he died here. Original.

(signed)

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N° 28.—Examination of Chatten and Kandy, taken on the 10th Danoo 987, or 23d December 1811.

Question.—Which is your country, of what caste are you, what is your house-name, and whose adimas (slaves) are you?

Answer.—Our country is Willatocara Arinaod; caste, Erralan; we are the slaves of Charambata Awaran; the name of our residence is Charambata.

What are the names of your father, mother, and uncle?

Our father's name is Chatta; he is now with us; my mother's name is Cally; uncle, Moondatan; he is dead.

When, why, and with whom did you come to this place?

Poodeanoo Panikar seized us and our father and uncle, and we were brought to Mahé, and thence to Anjarakandy; our two brothers are dead.

Did your other relations know the circumstances of your being seized and brought to this place?

They did not.

(signed)

N° 28.—Examination of Kandy, taken before the Magistrate, on the 17th Danoo 987, or 30th December 1811.

Question.—Which is your country, of what caste are you, what is the name of your house?

I don't know which is my country; my caste is Erralan; name, Kandy; and I don't know the name of my chala or house.

How many years is it since you were brought to Anjarakandy?

I was brought when a child along with my father Chatter.

Do you know how you were brought here?

I don't know.

(signed)

N° 29.—Examination of Wallatacara Anacotta Erralan Chattan, taken before the Magistrate, on the 17th Danoo 987, or 30th December 1811.

N.B.—This person and his brother were examined before the magistrate's officers, *vide* N° 28.

Question.—Which is your country, of what caste are you, and what is your name?

Answer.—My name is Waltatacara Erralan Chattan.

How many years is it since you were brought here, and who is your tamburan?

I was brought here two years ago; my tamburan is Cherambatta Aweran.

How were you brought here?

Pothawan Panikar Tamburan seized me from the place I was at work, and took me to the fort of Palghaut, and detained me there two days; at night, six persons, including myself and another Erralam, were taken by land to Anjarakandy, and made to stay with the Saib there; three persons of those brought with me to Anjarakandy are dead; Kandy, my younger brother, and my father, Chattan, are now here with me.

N° 30.—Examination of Coran, on the 8th Danoo 987, or 20th December 1811.

Question.—Which is your country; of what caste are you; and what is your house name?

Answer.—My country is Mookalla; caste, Pooliar; my house name is Coony Nairata.

What are the names of your father, mother, and uncle?

My father's is Carean; mother's, Omalla; and uncle's, Chattan.

When, why, and with whom did you come here, and whose slave are you?

It is five years since I came here; Totacatta Moideen, and four or five other moplas, seized seven of us, took us to Changhaut, and embarked us in a manchoo,

six

six of whom were landed at Mahé, and were again put in a toney, and taken to Anjarakandy; one was taken by the moonchoo man, he was Charotta Markerars Adean.

Have you any house or family?

I have a house and family at Mookatta.

What are the names of those who were embarked with you in a manchoo from Changhaut?

Omalla, Oony, Margee, Poara, a child, Cally and myself, seven persons; Poara is the one taken by the manchoo man; of the other six persons four are dead; myself and Cally are here.

Witnesses. (signed)

N° 30.—Examination of Poolean Koran before the Magistrate of Zilla, North Malabar, on the 17th Danoo 987, aged about 25, 30th December 1811.

Question.—Which is your country, caste, and name?

Answer.—My country is Mokotta, to the southward; caste, Pooliar; name, Korian.

How many years is it since you were brought down; and who is your tamburan?

I was brought four or five years ago; my tamburan is Charotta Marear.

How were you brought?

While I was serving under my tamburan's son, Tottacatta Moideen, another mopla, by name Moidun, and two others, came, seized, took us to Changhaut, and thence put in a manchoo, and took us to Mr. Brown's bangsaul at Anjarakandy; at that time, besides myself there were one male and five females, one of whom the manchoo Mopla took away; four died; Kally, a woman is come here.

Mem.—Says six or seven years ago.

Sworn to, &c.

Do you know Kally? How and when did she come here?

Yes, I do; she is my niece. When we were at work, Mordum Mopha seized and took us to Changhat; thence put in a manchoo, and brought to Anjarakandy.

(signed)

N° 31.—Examination of Pooban Ramen, taken on the 8th Danoo 987, or 21st December 1811.

Question.—Which is your country, what is your caste, and the name of the house?

Answer.—Kodarkal (to the southward); my caste is Erralan; I was brought while a child, I therefore don't know the name of my house.

What are the names of your father, mother, and uncle?

My father is Ramen; mother, Cally; my uncle's name I don't know.

When, why, and with whom did you come here, and whose slave are you?

I came some years ago. One morning I took out the cattle to graze, when Chacooty and Anoo, two moplas, came, seized, and took me to Chawagat, put me in a manchoo, and carried me to Anjarakandy. I am the slave of Kodarakal Wengata Namboonpad.

Have you a house and family?

I have a house and family in my country; none of them know of the circumstance of my being here.

(signed)

Witnesses.—Wattandy Pacroomur, Wayil Hoossen Cooty.

N° 31.—Examination of Poolean Ramen, before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811; aged about 30.

Question.—Which is your country, what is your caste and name?

Answer.—My country is Codarakal (to the southward); caste, Erralan; and name, Rama.

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How many years is it since you was brought here, and who is your tamburan?

I was brought about thirty years ago, and am the slave of Wangatta Nambaupatt.

How were you brought?

When tending cattle, two moplas came, seized, took me to Changout, and gave me to Carooakara Moopa, who sent me and ten other Pooliars and wittoowars, whose name I don't know, by sea to Mr. Brown's bangsaul at Anjarakandy; those that came with me died at Anjarakandy.

Mem.—On this deposition being read, deponent says he was aged 20 years when brought to the place, and now is 30 years old.

(signed)

N° 32.—Examination of Poolean Chatten, taken on the 8th Danoo 987, or 21st December 1811.

Question.—Where is your country; what is your caste, and the name of your house; and whose slave are you?

Answer.—My country is Territalla; caste, Poolian; house name, Coorapata; I am the slave of Ittirarachan.

What are the names of your father, mother, and uncle?

I don't know my father's name; my mother's is Chaky, and uncle, Koran.

When, why, and with whom did you come here?

I came some years ago. Two moplas, viz. Salamy and Anedarata, came at night, seized me, my mother, and sister Moonda, and gave us to Carooakara Moidun Mopla of Changhaut, who put us in a moonchoo, sent us to Mahé, whence we were put in a toney, and taken to Anjarakandy. My mother and sister died at Anjarakandy.

Have you a house and family?

I have a house and family at Teritala; none of them knew of this.

(signed)

Witnesses.—Wayal Hoopen Cooty, Wallootandy Pacrooman.

N° 32.—Examination of Poolean Chatten, taken before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811; aged about 25.

Question.—Where is your country; what is your caste and name?

Answer.—My country is Territala (to the southward); caste, Poolian; name, Chatten.

How many years is it since you were brought, and who is your tamburan?

I was brought about eight years ago; my tamburan, a Koorpata Itterarachen.

How were you brought?

While sleeping at night in the challa (hut), two moplas of Karnwakara Moopen came, seized me, my mother and sister, and took us to the Karnwakara Moopen at Chawghaut. We were kept there one year, and thence we three persons were put in a manchoo, and taken to the saib at Anjarakandy. My mother and sister died three years ago.

(signed)

N° 33.—Examination of Karyan, taken on the 10th Danoo 987, or 23d Dec. 1811.

Question.—Where is your country, what is your caste and name, and whose slave are you?

Answer.—My country is Kodarakad (to the southward); caste, Poolian; house name, Cootanaad; I am the slave of Vengat Nanbooupat.

What are the names of your father, mother, and uncle?

My father's name is Chakkan; mother, Aga; uncle, Coran.

When, why, and with whom did you come here?

I came some years ago. One night, moplas came and seized four of us, took us to Changhaut, embarked us in a manchoo, and landed us at Mahé; thence put us in a toney, and taken to Anjarakandy; the other three are dead.

What

What are the names of those who died?
One was my elder brother Koran, the other my sister Moondee, and one Emaya.

Have you a house and family?
I have a house and family in my country; none of them knew of this.

(signed)

Witnesses.—Wahae Hoossen Cooty, Wallalands Pairoomar.

N° 33.—Examination of Kanjan Poolian, taken before the Magistrate of the Zillah N. Malabar, on the 17th Danoo 987, or 30th December 1811; aged about 19.

Question.—Where is your country, what is your caste and name?
Answer.—My country, Cootunaed (to the southward); caste, Poolian; and name, Caryan.

How many years is it since you were brought; who is your tamburan?
I was brought about ten years ago; I am the slave of Vengat Mamkale Namboodre.

How were you brought?
While sleeping at night in the challa, four or five moplas came, surrounded the house, seized me, my mother, elder brother, and sister, and took us by land to Changhaut, whence we were put in a manchoo, and taken to Achin (Mr. Brown) at Anjarakandy; after a few days, my brother, sister and mother died.

(signed)

N° 34.—Examination of Chattan, taken on the 8th Danoo 987, or 20th December 1811.

Question.—Where is your country, what is your caste, and house name?
Answer.—My country is Pandaloor, to the southward, caste, Poolean; house name I do not know.

What are the names of your father, mother, and uncle?
My father's name is Chattan, mother's, Onalla; uncle's name I do not know.

When, why, and with whom did you come here; whose slave are you?
I came about twelve years ago; two moplas seized me at night, and gave me to Komwa Kaira Moideen mopla, who embarked in a manchoo, and sent me to Anjarakandy; I am the adima of Pandaloor Cooliporata tamburan.

Have you a house and family?
My father, sister, and house are at Pandaloor; I was seized and brought without their knowledge.

(signed)

Witnesses, Wayul Hoossen Cooty, Wallootardy Pairooman.

N° 34.—Examination of Chattan, before the Magistrate of the Zillah, North Malabar, on the 17th Danoo 987, or 30th Dec. 1811, aged about 25.

Question.—Where is your country, what is your caste, and name?
Answer.—My country is Chewanoor, in Perimpadapa to the southward; caste Poolean, name Chatten.

How many years is it since you were brought here?
I was brought ten or twelve years ago; Cootiporate Nair is my tamburan.

How were you brought?
I was watching cattle in the batty field, when two moplas came, seized, and took me to Changhaut, whence I was put in a manchoo, in which there were four males, five females, and taken to Mr. Brown's bangsaul at Anjarakandy; two women and three men are now here; the others are dead.

(sworn to and signed)

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Examination of Nuly, taken on the 10th Danoo 987, or 23d Dec. 1811.

Question.—Where is your country, what is your caste, and house name; and whose adima are you.

Answer.—My country is Cawalapara, caste Erralan, house name, Madatoora Badikal; I am the adima of Karakal Nair.

What are the names of your father, mother, and uncle?

My father's name is Changram, mother Mada, uncle Toomlan.

When, why, and with whom did you come here?

I have been here for these ten years; one day, several moplas came at night, seized me and my Poolian and his brother, and gave us to a moplar at Penang, whence we were put in a manchoo and landed; my Poolean is here, and I have an infant at my breast.

Have you any house and family?

I have a house and family in my country; they are not acquainted with the circumstances of my being here.

What is the name of your Poolean?

Rámen; he is here with me.

(signed)

Witnesses.

N° 35.—Examination of Neely, before the Magistrate in the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811, aged about 27.

Question.—Where is your country?

Answer.—Cawallapara; my caste is Eralla.

What is your caste and name?

Chanry; name Neely.

How many years is it since you were brought here, and who is your tamburan?

I was brought here ten or twelve years ago; I am the adima of Karakat Tamburan.

How were you brought away?

Moplas came at night, seized and took me to Catty Paraly, whence two sooder tamburans brought me to Penang, thence I was put in a manchoo, and landed at Anjarakandy, and made to stay with the Saib at that place; I have a child, by name Coran.

How old is that child?

Two years; besides which I was delivered of three children, all of whom are dead.

(signed)

N° 36.—Examination of Omalla, taken on the 10th Danoo 987, or 23d December 1811.

Question.—Where is your country; what is your caste and house name; and whose adima are you?

Answer.—Eranad Eravatil Jura; my caste is Poolay, house name, Walliatta Paramba, and I am the adima of Pooliara Namboodre.

What are the names of your father, mother, and uncle?

My father's name is Cheroowata Palen, mother Omulla, uncle Kelean Chatten and Kannen.

When, why, and with whom did you come?

I have been here some years; Pallikel Sultan Kooty, Kander Kooty, and seven others, surrounded my house at night, seized, and sold me to Tancoor Pootempediquil; Cooty Assen who sold me to Wadagaracarum Coran, at Penang, and while there, I was seized and put in a manchoo by Karookaren Moideen Cooty Moopers, and landed at Anjarakandy; I have an infant at my breast.

Did your owners know of your having been seized and brought away?

None of them knew of my being stolen.

Witnesses.

(signed)

N° 36.—Examination of Omalla before the Magistrate of the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811.

Question.—Where is your country, what is your caste and name?
Answer.—Eranaad, to the southward; my caste is Poolay; name, Omalla.

How many years is it since you were brought here, and who is your tamburan?
I was brought here ten or fourteen years ago; my tamburan is Pooleara Namboodie.

How were you brought away?
At night, Oonisom Mopla's people, by name Sultan Cooty, Kadry Cooty, seized me from my poolian's challah, and sold me to Pootemporial Kootty Attan Mopla, at Jancoor Angady, who sold me to Wadagaracaran Chokra, at Ponany; thence I set out with an intention of returning to my country, and on the road Karowa Karen Moopa's people seized me, put me in a manchoo, in which there were two other males and two females, all of whom were taken and given to the saib at Anjarakandy; they are dead. I have one child; this is it.

How old is the child?
About three years.

(signed.)

N° 37.—Examination of Chaky, taken on the 10th Danoo 987, or 23d December 1811.

Question.—Where is your country, what is your caste, house name, and whose slave are you?
Answer.—My country is Manjerry; caste, Poolian; house name, Pahpara Tawalapil, and the slave of Manjerry Tiroopatil.

What are the names of your parents and uncle?
My father is called Coran; mother, Chaky; and I have no uncle.

When, what for, and with whom did you come here?
Ten years have elapsed since I came here; one night, as I went out without the compound of my house, about five or six moplas came up, seized me, as well as my poolien, and conducted us both to Changhaut, whence my poolien died; they embarked me in a manchoo, and landed me at Anjarakandy.

Have you a house and relations?
I have neither house nor relations.

Did your master know of your having been seized and brought away?
No one knew I was stolen.

(signed.)

Witnesses.

N° 37.—Examination of Chaky, taken before the Magistrate on the 17th Danoo 987, or 30th December 1811, aged about 24 years.

Question.—Where is your country, of what caste are you, and what is your name?
Answer.—Manjerry, in southward; a Poolien by caste; name, Chaky.

How long is it since you have been brought, and who is your tamburan?
It is about ten years since I have been seized and brought away; my tamburan, Wahaoony Tamburan.

How were you brought away?
One day, having collected some wood, while returning to my hut on the road, three mopillas, belonging to the Karooakara Moopa of Changhaut, came up and seized and carried me to Chawacata Moopan; whence, after keeping me ten or fifteen days, I was brought to Anjarakandy in a manchoo, and delivered over to Mr. Brown.

(signed.)

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N° 38.—Examination of Kally, taken on the 8th Danoo 987, (21st December 1811.)

Question.—What is your country, house name, and caste?

Answer.—I know neither what is my country nor house name, as I was brought away while young; my caste is Poolay.

What are the names of your parents and uncle?

My father's name is Toloory; but that of my mother am not certain.

When, why, and with whom did you come up here, and whose slave are you?

I am not certain when or who brought me here, as I was brought when I was young, and as I grew old, I saw Coran with me, and knew him to be my uncle; therefore, on asking him, the particulars thereof will be ascertained.

Witnesses. (signed.)

N° 38.—Examination of Kally, taken before the Magistrate on the 17th Danoo 987, or 30th December 1811.

Question.—What is your country, caste, and name?

Answer.—My country is Mookote, in southward; caste, Poolien; name, Cally.

How long is it since you have been brought to Anjarakandy?

I had no sense at the time I was brought; therefore I am not certain.

How were you brought?

Both I and my mother were seized and brought away by some mopillas while I was a child; on asking Koran, the particulars thereof will be known, who is now present.

(signed.)

N° 39.—Examination of Chaky, taken on the 10th Danoo 987, or 23d December 1811.

Question.—Where is your country, what is your caste, the name of your house, and whose slave are you?

Answer.—My country is Odeloor, to the southward; caste, Kamky; the name of my house, Walapil, and I am the slave of Poroor Nair.

What are the names of your parents and uncle?

My father's name is Coran; my mother's, Kally, and that of my uncle, Chakoony.

When did you come up here, why, and with whom?

It is long ago that I have been here; one day, Wylat, Mamaly, and Many, seized and delivered me to Karawata Moideen Cooty, who embarked me in a manchoo from Changhaut, and transported me to Anjarakandy; I have at present an infant at breast.

Have you a house and relations?

Yes; I have in my country both house and relations, but they were unacquainted with the circumstances of my transportation to this country.

Witnesses. (signed.)

N° 39.—Examination of Kaniky Chaky, taken before the Magistrate on the 17th Danoo 987, or 30th December 1811.

Question.—Where is your country, and what is your caste and name?

Answer.—My country is Odeloor, to the southward; caste, Kariky, and name, Chaky.

How long is it since you were brought away, and who is your tamburan?

It is about ten or twelve years since I was brought away; my tamburan is Pooran Nair.

In what manner were you brought away?

While I was one day at work in the field, Wylat Many and Manilly seized me, and delivered me over to Karoonat Moideen Cooly, with whom I stayed some days;

days; afterwards I was embarked in a manchoo, and sent to Mr. Brown at Anjarakandy; five female and six male persons were also sent along with me, of whom two pooliars of the name of Chatten, and a woman named Chaky, are living still; the rest are dead.

Have you no children?

I had a child, which died, and since I have been at Anjarakandy I have had four children more, who are also dead.

(signed.)

N° 40.—Examination of Zetary, taken on the 8th Danoo 987, (21st December 1811.)

Question.—Where is your country, what is your caste, and the name of your house?

Answer.—My country is Pollanud; caste, Poolian, and house name, Palaporata.

What are the names of your father, mother, and uncle?

The name of my father is Cana; of my mother, Chaky, and of my uncle, Cana.

When, what for, and with whom did you come here, and whose adima are you?

It is many years since I came here; I don't recollect the exact year; one night I was seized and brought away by some mopillas; I am the adima of Alingul Rama Kooroop.

Have you a house and family?

Yes, I have, at Pollanaad; but I was brought away without the knowledge of my family.

How were you brought?

One night, my house had been surrounded; I and six others therein were seized and then shut up in a shop for two days, afterwards put in a manchoo, and sent to Mahé; three of whom are dead, and three, including myself, are living still.

What are the names of those that are still alive?

One of them is called Oomala, and another Willa.

Witness. (signed.)

N° 40.—Examination of Gettary, taken before the Magistrate, on the 17th Danoo 987, (30th December 1811.)

Question.—Where is your country, of what caste are you, and what is your name?

Answer.—My country is Polanaad; caste, Pooliar; and name, Illary.

How long is it since you have been brought away, and who is your tamuburan or uncle?

It is about 10 or 12 years since I have been brought away; my tamburan is Kooringot Cherika.

How were you brought?

One night while I was asleep in my house, about eight mopillas came and stole me away; that night they kept me shut up in a shop, and the next day I was sent to Calicut by land, where again they shut me up in a room for five or six days; thence they sent me in a manchoo to Mahé, and from Mahe to Anjarakandy. Besides myself, six others were also sent along with me, of whom three have died, and three are now here.

Since your arrival here, how many children have you had?

Since my arrival here I have had none, but when I came I had two children, one of whom has since died, and the other, named Omanah, is alive.

(signed.)

N° 41.—Examination of Omala, taken on the 8th Danoo 987, or 21st December 1811.

Question.—Where is your country, what is your caste, and the name of your house?

Answer.—My country is Polanaad; caste, Pooliar; house name, Parapa[illegible].

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What are the names of your father, mother, and uncle; when, why, and with whom did you come here, and whose adean are you?

My father is called Grien; mother, Dutary; and uncle, Grain. It is many years since I came here, but I am not certain how many. One night I was seized by some mopillas and brought away; I am the adean of Aling ul Ramien Kooroop.

Have you a house and family?

Yes, I have both house and family at Polanaad, but they know not of my being brought here.

How were you brought here?

One night some mopillas came to my house, seized me and six others, embarked us in a manchoo, and brought us here, three of whom are since deceased, the other three are living still.

What are the names of those three persons?

One of them is called Nataya and another Wella.

Witness. (signed.)

N° 41.—Examination of Oomalla, taken before the Magistrate on the 17th Danoo 987, or 30th December 1811, aged about 16 years.

Question.—Where is your country, what is your name and caste, how long is it since you have been brought to Anjarakandy?

Answer.—My country is Palanaad, to the southward; caste, Pooliar; and name Oomaalla. It is about 10 or 12 years.

How were you brought?

I was stolen, but by whom I know not; on asking my mother the particulars thereof will be known, because the former account I have given, was from the information I had from her.

Was any other person brought with you?

Of the persons that came along with me, three are dead; my mother Gitary and Willan are living still.

Have you had any children since you came to this country?

Yes, I had one, but it is dead. (signed.)

N° 42.—Examination of Chaky, a female, taken on the 10th Danoo 987, or 23d December 1811.

Question.—Which is your country, what is your caste, house name, and whose slave are you?

Answer.—I was seized by two moplars, while I was very young, and carried to Chanaeat; when they caused moopla coopay to be put on, and after staying there five days, I was embarked in a manchoo, and sent to Anjarakandy; I do not therefore know my country and house.

When were you landed at Anjarakandy?

I am not certain when it was.

Did your family know of it?

No, they did not. (signed.)

Witness, Wayel Hoossin.

N° 42.—Examination of Chaky, female, taken on the 17th Danoo 987, or 30th December 1811, before the Magistrate in the Zillah, North Malabar, aged about 22.

Question.—Which is your country, what is your caste and name?

Answer.—I don't know which is my country; my caste is Errataty, and name, Chaky.

How many years ago were you brought here, and who is your tamburan?

I was brought to Anjarakandy about 10 years ago; I don't know my tamburan's name.

In what manner were you brought?

Two moplas came and seized me while asleep, and carried me to Parrarry, there I was sold to a mopla, who caused a coopay to be put on me, and after Carooa Kara

Kara Mopla brought me to Chanacat, the coopay was then taken off, and I was put amongst the Pooliars, from thence I and eight others were sent by toney to Anjarakandy, five of whom are now here, the rest are dead.

(signed.)

N° 43.—Examination of Erralian Chakon, taken on the 10th Danoo 987, or 23d December 1811.

Question.—Which is your country, what for, and with whom did you come here?

Answer.—My country is Tanoor, I think it is about three years ago, when one day I was in my chala, three moplas came, seized and carried me to a shop, and kept me there that night; the next day I was delivered over to a manjankar, who embarked me in a manchoo, and landed me at Mahé, where I was detained that day; and the following day I was again embarked in the manchoo, and landed in the Anjarakandy banks; and the manjerkar is unknown to me. The Wallia Achin, Mr. Brown, told me, that I should be put amongst the Pooliars, to which I said I wanted not to go among them on account of my being an Erraban; without listening to my request, I was put amongst the Pooliars, and even to eat the Pooliars food; my family and owner did not know of this circumstance.

Whose slave are you; are your father, mother, and uncle still alive; and if so, what are their names?

I don't know my tamburan, my father, mother, and uncle.

Have you any other persons your relations, if so, what are their names?

I have one brother and sister, their names I don't recollect.

(signed.)

Witness, Warjil Hoossin Cooty, Willootandy Parooman.

N° 43.—Examination of the Chaky, before the Magistrate of the Zillah, North Malabar, on the 17th Danoo 987, or 30th December 1811, aged about 13.

Question.—What is your country, caste, and name?

Answer.—My country is Tanisore; caste, Eralin; and name Chaky.

How long is it since you have been brought to this place, and who is your tamburan?

It is five or six years since I was brought to this place; my tamburan's name I don't know; I was then a child.

In what manner were you brought here?

When all the people of my challa went to work for their tamburan about noon, I was standing at the door of the challa, when two moplas came, seized, carried me to Mahé, and delivered me up to a saib, who sent me to Anjarankandy on a manchoo, and I don't know the name of that saib.

(signed.)

(E. 1.)—To Mr. Murdock Brown.

Sir:—Having received information that a considerable traffic has been carrying on in children, between persons in this zillah and in the adjoining districts, and that several had been sent to your plantation at Anjarakandy, I have to request you will inform me whether you have made any purchases of that description; and in that event, that you will send me a list thereof, their caste, age and sex, with the names of the persons from whom you purchased them and of the agents employed by you. The darogah of Cotiote and Randatarra has received my orders to proceed to Anjarakandy and call before him the whole of the labourers on your plantation, and put certain questions to them with which he has been furnished.

Zillah North Malabar; 18th Dec. 1811. I am, &c.

(signed) *T. H. Baber*, Magistrate.

(E. 2.)—To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—I have to acknowledge the receipt of your letter of the 18th instant, and have accordingly ordered all my Pooliars to appear before the darogah of Cotiote and Randatarra to be by him questioned. In consequence of the permission and

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sanction of government soon after I began this undertaking, I have purchased many Pooliar families, and some even very lately, from different quarters; as I am anxious on all occasions to conform to the established laws and regulations, it is at the same time my duty to avoid submitting in silence to any undue exertion of authority; and as I have now carried on this undertaking for thirteen years without any requisition having been made similar to that which your letter contains, I trust you will, previous to my sending you the list you require, be so good as to favour me with a copy of the regulation which authorizes this inquest into my private concerns.

Anjarakandy, 20th December 1811. I have, &c. &c.

(signed) *M. Brown.*

(E. 3.)—To Mr. Murdock Brown.

Sir:—I have to acknowledge the receipt of your letter informing me you had purchased many Pooliar families, and some even very lately, from different quarters, in consequence of the permission and sanction of government, soon after you began your undertaking; I have to request you will furnish me with the permission or sanction referred to, that I may report the same for the orders of government. In answer to your last paragraph, I have to inform you that my requisition for the list of persons sold to you as slaves, was made in virtue of the powers vested in me by the regulations as the zillah magistrate, and my commission as one of His Majesty's justices of the peace.

I am, Sir, your most obedient servant,

(signed) *Thos. H. Baber*, Magistrate.

Zillah, North Malabar, 20th December 1811.

(E. 4.)—To the Magistrate of the Zillah of North Malabar.

Sir:—I have to acknowledge the receipt of your letter of yesterday's date, and enclose copy of the authority of government under which I have purchased Pooliars for the labours of this undertaking; the original stands recorded in the proceedings of the commissioners at Calicut.

Agreeably to your letter of yesterday, the whole of my Pooliars, male and female, and their children, were brought before the person who delivered me your letter, when he, assisted by the minon from Pychy and the commissioner from Irevery, accompanied by a number of armed kolkars, to guard the Pooliars, called them one by one before him, and put such questions to him as he pleased.. When this examination was over, he placed 20 men and women and children under a guard of kolkars, under which they remained all night and until eleven o'clock this morning, when he returned. When he went away last night he desired that all the other hired labourers that I employ, should be ready for a similar examination; this morning they were accordingly assembled at seven o'clock and remained until the executor of your orders appeared, when, instead of examining those that assembled, he sent his kolkars and by force brought together all my Pooliars that had been already examined yesterday; I told him I protested against all such violence, and against his removing them from the plantation, as being contrary to all the existing regulations that I am acquainted with, which require that some specific complaint shall be made against any person or persons, before they can be thus violently treated. My protestation was not listened to, and the whole were carried off by him and his guard of armed men, without allowing them to take their food or to feed their children, many of whom are at the breast, and only a few months old, so that it is very probable their being thus forced to go so far in the heat of the sun (it being exactly mid-day) will be the death of some of the children.

I have already noticed that I cannot believe there is any regulation existing to authorize this oppressive interference with my property, and still less the cruelty committed on nearly 200 men, women and children, excepting a formal complaint against the persons themselves, or a claim being made by some person to them in consequence of some invalidity in the sale. If either of these has been made to you, I imagine I ought to have been furnished with a copy of it, before this extraordinary violence was resorted to.

The sale of slaves is not only authorized by the custom of Malabar, but is expressly permitted by the Mahomedan laws, under which this country is governed; and for these thirteen years past no question has ever been put to me on the subject of my purchases, nor any complaint from any person claiming the Pooliars so purchased; and as I know of a reference from the principal collector of Malabar to

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the Board of Revenue, on a complaint of slaves being brought from Travancore to Malabar,—he was told that the trade being authorized by the law, he had no business to interfere in it; for all these reasons I now most solemnly protest against the violence you have caused to be committed on those innocent persons, many of whom were born on this plantation, from which they are now forced away, without any reason whatever being assigned for such barbarous usage. I also protest against it for the loss that it has already and must continue to make me suffer, by putting a stop to my extensive labours here, where upwards of 350 persons are daily employed, but of whose services you have deprived me.

I have, &c. &c.
(signed) *M. Brown.*

Anjarakandy, 21st Dec. 1811.

P. S.—The copy of the authority granted to me by the Bombay government for the purchase of Pooliars and Betwas, is not forthcoming here, having been destroyed when this house was burnt to the ground in 1803; but the collector of Malabar can furnish an attested copy of it; I obtained one from him some months ago to send to Cochin to a person, who, under that authority, purchased and sent twelve or thirteen Pooliars, men, women, and children, to me, that are amongst those whom your people have placed under a guard.

(signed) *M. Brown.*

(E. 5.)—To Mr. Murdock Brown.

Sir:—The officers whom I deputed to search for some kidnapped children, reported to be amongst the slaves on your plantation, have returned and brought with them seventy-six men, women, and children, who say they were all stolen or forcibly carried away from their relations and masters. Six of the children are not of the tribe even of unfortunate persons who are considered as slaves; two being nair boys, aged about 8; one a mopla girl, aged about 6; two tear boys, aged about 8; and a tear girl, about 12; who say they are natives of Travancore, and were, within the last six months, stolen from their relations, and sent by Wallapelagala Assinally from Allapy to you. I have been most particular in questioning these unfortunates, and have no doubt in my own mind that they were kidnapped; it becomes in consequence my duty to discover and bring to condign punishment those who have been concerned in this inhuman traffic. I therefore most earnestly call upon you to afford me every information in your power to that end; and in regard to the others, I am ready to receive and investigate any evidence or documents that you may have to adduce in support of any claims you may have upon them.

I am, Sir, your obedient servant,
(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 27th Dec. 1811.

(E. 6.)—To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—I have to acknowledge the receipt of your letter of yesterday's date, to which I must decline giving any reply, because such reply would be a virtual admission of what I positively deny, and have publicly protested against the legality of your conduct.

Without cause assigned or information lodged, at least not exhibited, you have violently possessed yourself of my labourers, and of a valuable portion of my implements of agriculture, and you now call upon me to prove my right to a possession that no one disputes with me. If such disputant does exist, the courts are open to him, and the regulations point out the course to be pursued; you might, I conceive, with equal legality, have seized any other part of my property, and made the restoration of it depend on similar terms.

To these reasons I have to add, that I have applied to a superior authority for protection and for redress of those (in one instance, already fatal) injuries, which my people and property have sustained and continue to suffer.

I have the honour to be, Sir, your most obedient servant,
(signed) *M. Brown*, Owner of the Randatarra Plantation.

Tellicherry, 28th December 1811.

(E. 7.)—To Mr. Murdock Brown.

Sir:—Expecting to be enabled to bring to a close, in the course of to-morrow, my examinations of the whole of the Pooliars found on your plantation, who asserted they had been stolen, I have now to inform you, that it is my intention to

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make a full report of the subject to government, and that I am still ready to hold an enquiry into the points referred to in my letter to you, dated the 27th ultimo. I cannot too strongly repeat my recommendation that you give up the names of the persons who supplied you with the nair, tear, and mopla children, as well as those of the Pooliars, who insist they were kidnapped. I have further to inform you, that I shall order the latter to be delivered over to any persons you may send to receive charge of them, as whatever may be their final disposal, there does not appear to be any objection to employ, during the interval of the reference to government, the slaves in their daily occupations. The free children will remain under my charge.

I am, Sir, your most obedient servant,

(signed) *Thos H. Baber*, Magistrate.

Zillah, North Malabar, 3d Jan. 1812.

(E. 8.)—To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—I have to acknowledge the receipt of your letter of yesterday's date, and in reply, have to state to you, that since my letter to you of the 28th ultimo, having sent to Anjarakandy for particular information relative to the six persons whom you say are free people; I have now to inform you, that they were sent there by Banien Belteassen Ally to work on the plantation until his return from Travancore; whether he got them from their parents or relations, or purchased them as slaves I know not; but having no claim over them, I can have no objection to your detaining them, as I conclude, complaint has been lodged before you on their account.

With regard to the other persons who were forcibly driven from the plantation, without the smallest reason being assigned for that violent proceeding, it is totally false that they were stolen or kidnapped, nor did any of them assert such a thing when questioned by your menon at Anjarakandy. The major part of them have been 10 or 12 years on the plantation; and the assertion that they are now said to have made, is not even attempted to be supported by the smallest proof; my right to them, I am perfectly prepared to support, as soon as my property in them is impeached, but until that is challenged, it would, as I have already observed in my letter of the 28th ultimo to you, be a virtual admission of the legality of your acts to prove my right to that property which no nobody disputes with me; and for the recovery of which, together with redress for the wrongs and losses I have suffered, I have already addressed a superior tribunal.

With regard to the case being submitted to government, I only waited for the decision of the court of circuit to bring the whole affair before the Honourable Governor in Council by petition, because it is impossible for me to carry on that extensive undertaking, on which so very large a sum has been expended, unless I am certain of protection from such hostile interruption and violence as that against which I now complain; your submitting the subject will, I doubt not, answer that purpose, provided the case is fully explained, to which end I hereby require that copies of my correspondence, and a copy of my petition to the court of circuit, with the proceedings held thereon, may accompany your reference to government.

I have, &c.

(signed) *M. Brown*, owner of the Randatarra Plantation.

Tellicherry, 4th January 1812.

(E. 9.)—To Mr. Murdock Brown.

Sir:—I have received your letter, dated yesterday, the bearer of it kotaly, a muskaqua, says that he came from Mr. Douglas's house at this place, where, he says you are, and that you have only just now given the letter to him; I think it proper to notice this to prevent any mistakes hereafter.

I am, &c.

(signed) *T. H. Baber*, Magistrate.

Sunday, 5th January, half-past five P. M.

(E. 9.)—To the Magistrate of the Zillah of North Malabar.

Sir:—I have this moment received your letter of this day (Sunday 5th January, 5 P. M.) informing me your kotaly then received my letter of yesterday's date, and that you deem it necessary to notice this circumstance. The only conclusion I can draw

draw from this is, that you have made your reference to government without the copies of the papers mentioned in my letter, I therefore now beg leave to repeat what I therein said, and to require of you, if they have not been sent, that they may be immediately forwarded.

I have, &c.

(signed) *M. Brown*, Owner of the Randatarra Plantation.

Sunday, 45 minutes past five P. M. 5th January 1812.

(E. 10.)—To Mr. Murdock Brown.

Sir:—My information having stated that Wallapakata Assin Ally, formerly head sheristadar in the Custom House, was the principal in this traffic in children, between Travancore and this Zillah, I have to request you will inform me whether Bamen Assen Ally, who you informed me in your letter of the 4th, sent six children to work on your plantation, is the Assen Ally above noticed, and if not, that you will inform me of what place he is an inhabitant, and where he at present resides.

I take this opportunity of advising you, that every document connected with the subject of my late proeeedings, will accompany my reference to government.

I am, &c.

(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 6th January 1812.

(E. 11.)—To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—In reply to your letter of this day's date, I have to inform you, that the person mentioned in my letter of the 4th, is the same you have described.

I have, &c.

(signed) *M. Brown*, Owner of the Randatarra Plantation.

Tellicherry, 6th January 1812.

(E. 12.)—To the Magistrate of the Zillah, North Malabar, Tellicherry.

Sir:—The bearer is the person who sent from Alappy the six children mentioned in your letter of the 3d instant.

The provincial court having signified to me, that there is no objection to my receiving back from you the other Pooliars and Betwas forcibly drawn from Anjarakandy on the 19th ultimo, I have, in conformity with that injunction, directed them to be moved there whenever you may be pleased to send them.

I have, &c.

(signed) *M. Brown*, Owner of the Randatarra Plantation.

Tellicherry, 8th January 1812.

(E. 13.)—To Mr. Murdock Brown.

Sir:—In answer to your letter of this day, by the hands of Wallapakata Assen Ally, I have to inform you, that I shall order the Welloowers and Pooliars to be delivered over to any person you may send to receive them, with the exception of sixteen men, women and children, of the Pooliars tribe, who say they have been within the last five months stole from their owners and sent to Anjarakandy, their presence being required at the court for some time longer.

I have, &c.

(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 8th January 1812.

(E. 14.)—To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—The bearer will receive charge of the Pooliars and Betwas, which you may please to make over to him.

I have, &c.

(signed) *M. Brown*, Owner of the Randatarra Plantation.

Tellicherry, 9th January 1812.

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(E. 15.)—To Mr. Murdock Brown.

Sir:—Wallapakata Assin Ally having stated to the court, that he had omitted two children in his examination on the 8th, and that instead of six he had sent eight to you at Anjarakandy, where, he adds, they at present are; you are hereby directed to deliver up forthwith the aforesaid two children to the bearer.

Given under my hand, and the seal of the court, this 24th day of January 1812.

(signed) *Thomas H. Baber*, Magistrate.

(E. 16.)—To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—The eight childen mentioned by Assen Ally, were all taken to Tellicherry by your own people, and two of them were sent back by your own orders, with other Pooliars, some days ago, for what purpose I know not; they are now, agreeable to your orders respecting them, delivered to the bearer hereof.

I am, Sir, your most obedient servant,

Anjarakandy, 24th January 1812. (signed) *M. Brown.*

(F. 1.)—To the third Judge, in the absence of the Register.

Sir:—I have to request you will inform the judges, that it has transpired in some proceeedings held before me, that a considerable number of children, for the most part kidnapped, have been lately imported in this zillah from adjoining districts, but principally from Travancore, from whence they have been sent by Wallapitagah Assen Ally, part to Mahé, and part to the Anjarakandy plantation, and that such of them as I have examined are children of Teans, and one even a Shoodrastree. In answer to a call upon Mr. Brown for a list of the slaves, and the names of the agents he employs to purchase them, he has refused compliance therewith, and has since informed me, that he has the authority of the Bombay government; and, further, that the sale of slaves is not only authorized by the custom of Malabar, but is expressly permitted by the Mahomedan laws, under which this country is governed; whatever may be the usage of Malabar or the Mahomedan law on this question, I should not suppose that it could apply to Mr. Brown, who, I apprehend, in common with every British subject, is prohibited from purchasing slaves from the period when the slave trade was abolished by an Act of Parliament. As, however, I am desirous of availing myself of the experience and knowledge of the judges on this question, and in regard to the rules which have been in force from the early part of the administration (when I am informed trafficking in slaves was very prevalent), until the transfer of Malabar to the presidency of Fort St. George, the extent to which the trade was tolerated by the government of Bombay, and the nature of the authority granted to Mr. Brown. I have taken the liberty to apply to you, and through you, to the judges, for any information you or they may be pleased to favour me with on these subjects; or if this would be attended with any inconvenience, that they would assist my inquiries, by directing me to those periods of the former administration, when I might, by a reference to the records here or at Calcutta, inform myself thereon.

There being no copy of Mr. Duncan's report in the records under my charge, I shall be obliged by the loan of the copy of the provincial court.

I have the honour to be, &c.

(signed) *T. H. Baber*,

Judge and Magistrate, Provincial Court, Western Division.

Zillah, North Malabar, 23d December 1811.

(F. 2.)—To the Magistrate in the Zillah, North Malabar.

Pursuant to an order of this court, you will hereby receive an extract from their proceedings under this date, together with the document therein referred to. You are hereby required to conform to the court's orders, making your return within five days from the receipt hereof.

Given under my hand, and seal of the court, this 27th day of December, in the year of our Lord 1811.

(signed) *William Clephane*, 3d Judge, for the Register.

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Extract from the Proceedings of the Provincial Court, in the Western Division, under date the 27th December 1811.

The third judge, officiating for the register, lays before the judges a letter addressed to him by the magistrate in the Zillah North Malabar, stating, that from information obtained by him in the course of some proceedings held before him, it appeared that a considerable number of children (for the most part kidnapped) had been lately imported into the Zillah North Malabar from the contiguous districts, but principally from Travancore, sent from thence by a person named Wallapetagata Assen Ally, and that some thereof had been sent to Mr. Brown's plantation at Anjarakandy, and others to Mahé; the magistrate further states, that such of the said imported, kidnapped or enslaved children, as he had examined, proved to be the children of Teans, and one even a female Sooder; that in answer to a call on Mr. Brown for a list of his slaves, and agents he employs in the purchase of them, that that gentleman has refused compliance therewith, and had since informed him that he had authority from the Bombay government, and also that the traffic in slaves was not only authorized by the customs of Malabar, but that it was expressly permitted by the Mahomedan law.

The magistate remarks upon it, that he conceives that Mr. Brown being a British subject, is prohibited from purchasing slaves under the operation of the Act of the British Parliament abolishing that traffic, and requests to be furnished with any information the judges of the court of circuit may be in possession of in regard to the rules in force in respect to this traffic, from the early part of our administration in Malabar, and the nature of the authority granted to Mr. Brown by the Bombay government, as quoted by him.

The court further take into consideration, a petition presented to them on the part of Mr. Brown, setting forth, that the magistrate of the Zillah, North Malabar, addressed a requisition to him, calling upon him for information, as to whether he had made any late purchase of slaves, and if so, to furnish a list of their names, caste, and sex, and of the agents employed to purchase the same, grounding the requisition on information which the magistrate stated he had received, that a considerable traffic has been carrying on in the sale and purchase of children between persons in the Zillah, North Malabar, and adjoining districts. The petitioner states, that the person who brought the letter, assisted by some of the native officers of the local cutcherry, caused to be assembled, and put interrogatories to the whole of the slaves employed on his plantation, and that being concluded, placed about twenty of them of all descriptions under a guard; on the next day, the whole were carried off; that some of those so carried off, subsequently returned, but that a considerable number had been detained for reasons with which petitioner is unacquainted. Petitioner states, that he had declined complying with the requisition alluded to, on the grounds of his conceiving the magistrate not justified in interfering in his private concerns, and as he had not thought proper to communicate to him the particulars of the information on which he grounded the demand. Petitioner justifies his having purchased of those classes who are born and considered as slaves, and which he says he is warranted to do, both under the authority of the Bombay government, and subsequently under an opinion given by the Madras government, on a reference made by the principal collector.

The petitioner prays for the interference of the judges of the court of circuit, in protecting him in his property which he has, as above stated, been unjustly deprived of.

Before the court of circuit can either reply to the queries of the magistrate in the Zillah of North Malabar, or take cognizance of the facts stated in the petition from Mr. Murdock Brown, it is requisite that they shall be in possession of the whole of the proceedings hitherto held in the matter in question by the magistrate, commencing with the information on which he has set on foot the inquiry into the circumstances of Mr. Brown's slaves and labourers, and detailing the proceedings he may have held, on the grounds of which, he pronounces to have ascertained that part of the children lately imported into his zillah as slaves are of free parents, and even of the superior classes; and in order to save time and further reference, that he be called upon to state at length the ground on which he may have detained the persons taken from Mr. Brown's plantation, and who are stated not to have been sent back.

Ordered, that a copy of the above minute be sent to the magistrate, together with a copy of the petition from Mr. Murdock Brown, the magistrate, being in possession

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of the accompaniments alluded to therein; and that he be directed to furnish the judges of the court of circuit with the report thereby required, within five days from this date.

(A true extract.) (signed) *W. Clephane*, Third Judge, for the Register.

(F. 4.)—In pursuance of the exigence of the annexed precept, the magistrate acquaints the judges, the information on which he set on foot an inquiry into the circumstances of Mr. Brown's slaves, was given by a Tean boy named Coon Yangara, native of Karoonapetty, in Travancore; the circumstance was as follows: nine free born children, natives of Travancore, viz. a Shodra or Nair girl, five Teans, two Teaties, and one Carawan, the eldest of the whole about twelve, had been discovered in the house of Wallapatagata Assen Cooty and two other mopillas of Mahé, all of whom represented they had been stolen from their friends, and sent by sea from Allapi by Wallapagata Assen Ally; one of the children, the above mentioned Tean boy, Coon Yangara, on his examination before the daroga of Mahé, had added, that his brother, Natha, was one of the four children who had, a few days before, been sent to Anjarakandy; when these children arrived at Tellicherry, the boys were without their koodima, and the girls dressed in the mopilla koopay, and otherwise disguised a mopillagies. The magistrate interrogated them all in the presence of two of the most respectable of the Wecharipakara of the late Travancore Ellea Rajah at Cadoor, whom he was induced to send for, in order that he might, through the means of their local knowledge of Travancore, ascertain whether these children were free-born and natives of Travancore. The children cried a good deal during the relation of the mode in which they had been separated from their friends, and made to eat mopla food, but were pacified on being assured that they should be emancipated, if what they said was true; that they were not slaves, and if possible, be restored to their caste. The answers of these children were such as was to be expected from their years, but it was very apparent they were what they had described themselves to be. The two Wechapipakara had no doubt of it, and even denied the possibility that they could have been lawfully come by; it became then the magistrate's bounded duty to endeavour to find out where the other unfortunates were, and for this purpose, commenced with the information given by the boy Coon Yangara, and took such steps as appeared to his judgment best calculated to effect that object, while it was his most anxious wish, that the mode of proceeding should be as little offensive as possible to Mr. Brown, in the event of a search being necessary on his plantation. It was with this view the magistrate took the precaution of ordering the commissioner and one of the court gomastahs, whom he particularly instructed in the line of conduct they were to observe to accompany the daroga to Anjarakandy

The magistrate also wrote to Mr. Brown, advising him of this deputation, and the duties upon which they were sent. The daroga happened just at this period to be in the Walliote mountains, too remote to arrive in time, the execution of the magistrate's orders not admitting of delay, devolved upon the darogah's officers, who, in concert with the commissioner and gomastah, proceeded to Anjarakandy, and having fulfilled their instructions, returned on the 24th to Tellicherry. The magistrate refers the judges to the orders issued to his officers, their daily reports, their final report delivered in to the court, copies of the communications to Mr. Brown, his answers, the whole of the proceedings held by himself and his officers; the examination taken in the inquiry into the causes of the death of a Pooliar child about a year and a half old, has afforded the fullest information of every thing that came to light during the investigation; and shall content himself with stating, that 76 men, women, and children, including ten infants (born at Anjarakandy), were brought to Tellicherry, all of whom have declared before the magistrate they had been stolen or forcibly carried away from their country by mopillas and others, and taken to Anjarakandy; six of the children were free-born, viz. two Nair boys aged about eight, two Tean boys aged about eight, a Teaty about twelve, and a Mopla girl about six, are natives of Travancore, and had been within these last six months stolen from their friends and sent from Allepi by water to Anjarakandy, and there associated with Pooliars. Coon Yangara, who had been sent with the magistrate's officers to Anjarakandy to look for his brother, pointed him out amongst several Pooliars, notwithstanding his koodima had been cut off, and his appearance in other respects of a Pooliar; Natha also instantly recognized his brother. Ever since the arrival of these unfortunates at Tellicherry, the magistrate has been employed in taking down the examination of those who have arrived at years of maturity, and as far as he has

has gone, he is satisfied that the first six are free-born children, that they were kidnapped, were sent to Anjarakandy against their will, and never eat the food of Pooliars until they came into the possession of Mr. Brown; and in regard to the Wetoowans and Pooliars, the concurrent testimonies of so many individuals admit at present at least of no other conclusion, than that they also have been obtained by means the most unjustifiable. The magistrate has afforded Mr. Brown every opportunity of vindicating his conduct, and nothing could have been more easy than for him to have satisfied the magistrate of his innocence, by a prompt disavowal of all knowledge that these children were free-born, and have been kidnapped, and of all participation in the guilt of the principals in that inhuman traffic, by giving up the names of the individual who supplied him with them, and affording his assistance in bringing them to condign punishment. Such ought and would have been the conduct of every honourable man; but, instead of this, Mr. Brown has resisted the magistrate's requisition, and treated him and his officers in terms of the highest contempt and disrespect; but it is not the magistrate's intention in this place to notice the calumnies which Mr. Brown had given vent to, either in his intemperate conversation with the court gomastah, in his letter to the magistrate, or his libellous petition to the judges of the provincial court; but he takes this opportunity to state what he can not too often repeat, that it is not the resentment of Mr. Murdock Brown, or any man, that shall deter him from discharging what he is bound to do by every rule of humanity and justice, and what he feels and knows to be his duty. The magistrate thinks it proper to inform the judges, that it has been confidentially intimated to him, that there are eleven more children in this zillah who are reported to have been kidnapped, and that he is exerting every means at his command, to obtain correct information where they are concealed, in order that he may restore them also to liberty, their country, and friends.

Given under my hand, and seal of the court, this 4th day of January A.D. 1812.
(signed) *T. H. Baber*, Magistrate.

(F. 3.)—To James Stephens and Hay Clephane, Esquires, Judges of the Courts of Circuit and Appeal, Western Division, Tellicherry.

Humbly sheweth:—That your petitioner is under the necessity of praying for your protection, against what he deems the unlawful and highly oppressive acts of the magistrate of this zillah, committed by his people, and under his orders, on the 20th, 21st, and 22d of this month, on his servants, labourers, and property at this place; the accompanying two letters from that magistrate, and the copies of two letters to him in reply, from your petitioner, will in part explain the nature of the grievances of which he complains; in addition to which your petitioner begs leave to state, that of the people forced away as therein stated, a few have returned, but 113 of all ages are detained, many of whom have been here eight, ten, and some twelve years, and a number of whom have been taught at very considerable expense, different branches of manufacture, and whose absence must put a stop to those branches in which they were employed for a length of time, particularly the manufacture of arrow root and preparation of fine cassia, both of which are objects of importance to your petitioner. Your petitioner must further observe, that of the children thus forced away and detained, the major part were born in the plantation, and bred up and taught different useful occupations at his expense. As they were driven away by the armed kolkars from the different places where they were at work, and not permitted to stop here, they carried all their tools and implements with them, viz. hoes of different kinds, bill-knives, and shearing-hooks.

It is further necessary to observe, that the magistrate, in his letter of the 18th, says, that he had ordered the darogah of Pyche to come to Anjarakandy, to put certain questions to your petitioner's people, but no mention is made of the darogah or any other person being authorized to carry them forcibly from the plantation. The darogah of Pyche, however, never appeared; the whole was done by the person who brought your petitioner the magistrate's letter, without his exhibiting any warrant addressed to him on that duty; he only read to your petitioner a proclamation issued by the magistrate, addressed to the inhabitants in and about this place, informing them, that the darogah of Pyche had orders to seize all your petitioner's people, and was authorized to search for them in every house, and therefore that no person was to harbour or conceal any of them, under pain of punishment by the magistrate. This extraordinary production, proscribing about 350 innocent persons, against whom no complaint whatever existed, the person named Chatoo Menon, would not

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leave here, or give a copy of it, but proceeded to act without producing any other authority, for which your petitioner apprehended he is liable to punishment; your petitioner must likewise notice, that his native writers were abused in the grossest language, pushed away, and threatened by the armed kolkars, when they attempted to get near to the Pooliars, on their past examination, and that one of them in particular, a bramin, was abused in the grossest language by one of the kolcars, because he forbid him to go into your petitioner's garden, where he had no business. Your petitioner having thus briefly stated the acts of the magistrate, and of that of the laws against the unlawful exertions of authority of this magistrate, because your petitioner knows from experience to what length he is capable of going, he having, some years ago, forcibly taken from your petitioner (your petitioner being then absent) elephants and timbers to the amount of two thousand rupees and upwards, without any intimation given, or any reason assigned to your petitioner, or Mr. Thomas Dinewar, his then partner, for which your petitioner to this day has received no redress; an inquiry was made by the orders of government, by the principal collector, then a magistrate, before whom it was proved, upon oath, that Mr. Thomas Baber's people caused your petitioner's mark to be cut out from the timber, and then had it conveyed to Tellicherry, since then, your petitioner has heard nothing more of that business, which has hitherto been probably overlooked amongst so much of much greater importance; yet your petitioner entertains no doubt, that he shall obtain redress from the justice of government, whenever the matter shall be again brought to their notice.

Your petitioner begs leave to add, what he has just been informed, of the death of one of the Pooliar's children, in consequence of the treatment he had received; that such consequences were likely to result from the measures adopted towards his people, was foreseen by your petitioner, and stated by him to the magistrate, in his letter of the 21st instant, as this death has been caused, by what your petitioner considers to be an illegal act, he humbly prays, that the afore-mentioned Chatoo Menon may be secured, to the end that he may be brought to trial for the same; and your petitioner shall ever pray.

(signed) *Murdock Brown*, owner of the Randatara Plantation.

Anjarakandy, 24th Dec. 1811.

(F. 5.)—To the Third Judge, for the Register.

Mr. Murdock Brown having in a letter dated the 8th instant, to the address of the magistrate, intimated, that in conformity to the injunctions of the provincial court, he was willing to receive back his Pooliars and Wittoowars, it would appear the judges have passed their orders on Mr. Brown's petition to their address, under which supposition the magistrate is induced to make the request, that the papers forwarded by him with his return, dated the 4th instant, to the provincial court's precept, dated the 27th ultimo, may be sent back, in order that he, the magistrate, may forward the whole of those and every other document connected with that important question, up to the presidency, without further delay.

Given under my hand, and the seal of the court, this 10th day of January, A. D. 1812.

(signed) *T. H. Baber*, Magistrate.

(F. 6.)—Provincial Court, Western Division, to the Magistrate in the Zillah of North Malabar.

Pursuant to an order of this court, you will herewith receive an extract from their proceedings, under this date, for your information and guidance.

Given under my hand, and the seal of the Court, this 10th January, A. D. 1812.

(signed) *H. Clephane*, Third Judge, for the Register.

Extract from the Proceedings of the Provincial Court for the Western Division, under date 10th January 1812.

Read a Representation from the Magistrate in the Zillah of North Malabar, stating, that in consequence of a communication from Mr. M. Brown, was led to suppose that the Judges of the Court of Circuit had passed a final order on the petition addressed to them by that person, and under this supposition, the magistrate

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trate requests, that the Court of Circuit will return to him all the papers transmitted along with his return, to the court's precept of the 27th ultimo, in order that he may be enabled to refer the question at issue to the superior authority.

On the above, the judges of the Court of Circuit remark, that it is their intention so soon as certain explanations which Mr. Brown has been invited to afford concerning the circumstances of the case in question, have been received from that gentleman, to refer the whole of the proceedings held, including the documents forwarded by the magistrate to the court of Sudder Adaulet, to which court they conceive that they are the proper channel of reference.

The judges were not till this moment aware, that the magistrate had not retained copies of such papers as were transmitted in the original, as this would appear to be the case, such of them as he may wish to copy for record, shall be returned to him on his specification thereof.

Ordered, That extract of the above be furnished, for the information and guidance of the magistrate of Zillah, of North Malabar.

(A true extract.) (signed) *H. Clephane*, Third Judge, for the Register.

(F. 8.)—Provincial Court, Western Division, to the Magistrate in the Zillah of North Malabar.

Pursuant to an order of this court, you will herewith receive an extract from their proceedings under this date, to the exigence whereof you are hereby required to conform, making your return within twenty-four hours from the receipt hereof.

Given under my hand, and seal of the court, this 13th day of January, A. D. 1812. (signed) *H. Clephane*, Third Judge, for the Register.

Extract from the Proceedings of the Provincial Court, for the Western Division, under date the 13th January 1812.

It appearing stated by Mr. Brown, that the magistrate has only delivered to him 55 out of 71 men, women and children, bondmen, who, exclusive of the six children from Travancore, were brought from his plantation, and as the judge only refrained from issuing their orders to the magistrate after the receipt of his return to their precept of the 27th ultimo, and perusal of the documents accompanying it, for the restoration to their present and only ostensible proprietor of the whole of the above-mentioned persons (with the exception of the Travancore children), from having supposed that the offer contained in the magistrate's letter of the 3d instant to Mr. Brown, had reference to the whole of the persons of the first description, and they are of opinion that the magistrate has acted totally illegal, in ever having removed the said persons from Mr. Brown's premises, they now direct, that he will immediately cause those now detained by him, with the above exception, to be sent to Mr. Brown's plantation without delay.

Ordered, That extract of the above be transmitted to the magistrate, with a precept requiring him to make return thereto, within 24 hours from the receipt hereof.

(A true extract.) (signed) *H. Clephane*, Third Judge, for the Register.

(F. 9.)—To the Third Judge, acting for the Register.

Previous to a compliance with the exigence of the Provincial Court's precept of this day's date, the magistrate deems it proper to advise the judges, that he had set on foot an inquiry into the circumstances set forth in the depositions of twelve of the sixteen Pooliars (the rest being children) of their having been stolen from their owners, and transported from their country against their will to Anjarakandy, since the month of Yedawam last, and that it was his intention to have made a full report of the result thereof to the government, for the purpose of being submitted, together with the proceedings in the case of the free-born children, for the opinion of the Honourable Company's advocate general, as far as related to Mr. M. Brown, and to have committed or held to bail, as the case might deem to require, these persons as were amenable to the jurisdiction of the Company's local courts, as might appear to the magistrates to have committed the crime of kidnapping, and enslaving free born children, and kidnapping the 12 tradesmen above alluded to, as had been in any way concerned as accessories, the magistrate in his communication, dated the 18th, informed Mr. Brown that the presence of these sixteen Pooliars should be

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required some time longer, but by a return to his warrant and a report from the police officer, it appears that on the following day the two persons who are stated in their depositions to have carried the greater part of these Pooliars to Mr. Brown's plantation, were sent out of this Zillah, one to Penary, and the other to Goa. The magistrate, however, does not despair of obtaining, though he should not succeed in apprehending those persons, by means of the resident of Travancore, and through other channels, correct information as to the truth or otherwise, of the account given by the free-born children and those portions of the bondmen, but it will be obvious to the judges that he cannot prosecute the investigation, if they insist upon his sending back the latter before he has brought it to a termination, for the same reasons that the presence of the Pooliars is required, the magistrate will be glad to have sent back the whole of the original papers, forwarded with the magistrate's return to the court's precepts, dated 27th ultimo.

Given under my hand, and the court's seal, this 13th day of January 1812.
(signed) *T. H. Baber*, Magistrate.

(F. 10.)—Provisional Court, Western Division.

To the Magistrate in the Zillah of North Malabar.

Sir:—In reference to your representation, dated yesterday, I am directed by the judges of the court of circuit to desire you will furnish them with a list of the twelve male and female Pooliars brought from Anjarakandy, whom you have still detained, in order that reference may be made to the depositions sent along with your return to their precept of the 27th ultimo, for the purpose of ascertaining the particular circumstances, stated to have attended their having become Mr. Brown's property. Should you have taken any further depositions on their cases, you will be pleased at the same time to transmit them for the information of the court.

I am, Sir, your most obedient servant,
(signed) *H. Clephane*, 3d Judge, for the Register.

Tellicherry, 14th Jan. 1812.

(F. 11.)—To the 3d Judge, for the Register.

In pursuance of the exigence of the court's orders, as conveyed in your communication of yesterday, received late in the evening, the magistrate now forwards a list of the twelve male and female Pooliars, whom he detained in consequence of their having deposed that they had been recently stolen, and transported to Anjarakandy, and for further particulars refers the judges to the depositions and examinations forwarded within his return to the court's precept, dated the 27th ultimo, the judges will observe several Pooliars of the same name; but they will readily discover the identical persons now here, by a reference to that part of their depositions in the possession of the judges, which mentions their place of nativity, their owner's names, and the time and place when and where they were kidnapped; the magistrate has already informed the judges of the obstacles which have been opposed to him in Mr. Brown's silence, and the departure of his two agents out of the jurisdiction of this zillah; but he will notwithstanding exert every means at his command, to follow up the information contained in the depositions of the Pooliars, provided the judges of the provincial court will permit.

Given under my hand, and and the seal of the court, this 15th day of January A. D. 1812.
(signed) *T. H. Baber*, Magistrate.

The Mopilla Cumba Modan, whom Wallachie charges with having stolen her, has just been brought in; the magistrate has not taken down his deposition; but from the examination sent with her, Wallachie's account of the mode in which she came into Mr. Murdock Brown's possession does not appear to be exaggerated.

(signed) *T. H. Baber.*

(F. 12.)—Provincial Court of Circuit, Western Division.

To the Magistrate in the Zillah of North Malabar.

Pursuant to an order of this court, you will herewith receive an extract from their proceedings under this date, together with the documents therein alluded to; you

you are hereby required to conform to the court's order, making your return within twenty-four hours from the receipt hereof.

Given under my hand, and the seal of the court, this 15th day of January, A. D. 1812.

(signed) *H. Clephane*, Third Judge for the Register.

Extract from the Proceedings of the Provincial Court of Circuit for the Western Division, under date the 15th January, A. D. 1812.

Read a communication from the magistrate in the zillah of North Malabar, in answer to the letter addressed him, by order of the judges, dated 14th instant, transmitting a list of the Pooliars taken from Mr. Brown's premises, now detained by him.

The judges of the court of circuit have already expressed their opinion of the illegality of the act on the part of the magistrate, in having in the first instance, without any information before him, or claim preferred thereon, removed from Mr. Brown's premises, and deprived him of the services of the bondsmen, his property; and in consistence with this opinion, they deem it their duty to lessen as much as possible the injury to which Mr. Brown's undertaking must have been subjected by their long and continued detention.

The judges do not even perceive, on the grounds of expediency, any valid reason for the further detention of the twelve Pooliars and their children. They have already given all the information they are capable of imparting; and should the persons to whom they represent themselves as having belonged, and from whom they were stolen, appear for the purpose of establishing their claim, or prosecuting the perpetrators of the theft, their accomplices or accessories, under the provisions of Regulation XI. A. D. 1809, may, by the usual process, observed in respect to evidences, be forthcoming when required.

The judges do therefore direct, that with exception (for the present, and until the magistrate shall have sent in the report of his examination of the mopilla whom she charges with having stolen her) of the female, named Wallachee, the magistrate do forthwith obey the exigence of their precept of the 13th, in regard to this person as well as the others in general. The judges must remark, that in their opinion, the magistrate is following a course, which does not seem either the most direct or efficacious toward the ascertainment of the fact, and which seems to be an indispensable preliminary to the prosecution of the persons mentioned in their deposition, as principals or accessories in the theft of their persons, viz. whether or not they have been actually stolen. This, at present, rests solely on the declaration of the slaves themselves; and unless a charge of this nature shall have been previously preferred by the persons, the proprietors of the bondsmen, and other evidence adduced thereof, the judges do not see, either under the provisions of Regulation XI. A. D. 1809, or any other regulation can be supported against the persons charged in these declarations, as accessories only, and that in many of the instances in a very remote degree.

Ordered also, That the original papers transmitted by the magistrate, with the return to the court's precept of the 27th ultimo, and which he has requested may be returned to him for the purpose of taking copies thereof, be sent to him, and that he be required to return either the said original, or attested copies thereof, as expeditiously as possible.

(A true extract.) (signed) *H. Clephane*, Third Judge for the Register.

(F. 13.)—In pursuance of the annexed precept received this instant, the magistrate has ordered to be sent back to Anjarakandy, the remaining twelve Pooliars who had made oath they were kidnapped, and forcibly carried from their country and owners, (in one instance, Poonuma, mother and three infants torn from her husband and their father); and has suspended all further proceedings until a complaint has been preferred by their proprietors, on the grounds of the opinion the judges have expressed in the concluding part of the 4th paragraph of their orders.

Given under my hand, and the court seal, this 16th day of January A. D. 1812, two P. M.

(signed) *T. H. Baber*, Magistrate.

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(F. 15.)—Provincial Court, Western Division.

To the Magistrate in the Zillah of North Malabar.

Sir:—I am directed by the judges of the provincial court, in reply to the point submitted for their opinion in the latter part of your return to their precept of the 13th instant, to inform you, that in the expression of their opinion, as contained in extract of their proceedings of the 15th inst, that no prosecution could be supported against the persons who are stated to have been the purchasers of children and adults, who represent themselves to have been stolen from the districts of Cochin and Travancore, whether free-born or bondsmen, unless the parents or relatives, in the first case, and the masters or proprietors in the second, should come forward with a charge against them,—they had in view the provisions of Regulation XI. of 1809, which seems to consider this as indispensable, and which further reserves the determination as to the bringing to trial of the persons who may be thus charged, to the Honourable the Governor in council.

The above opinion had no reference to the case of the theft of the female Pooloo Wallachee, by the mopilla named Cunhy Moidien, which, in common with other crimes committed within the limits of the Honourable Company's territories, is directly cognizable by the courts established therein; as, however, the law officers object to the government being prosecutors, where there are owners of the property stolen, it seems to be expedient that Cherricul Raja should appoint a person to carry on the prosecution in his name and on his behalf.

I have the honour to be, &c.

(signed) *J. H. Pearson*, Register.

Register's Office, 24th January 1812.

(F. 7.)—Provincial Court, Western Division.

To the Magistrate in the Zillah of North Malabar.

Pursuant to an order of this court, you will herewith receive an extract from their proceedings under this date, to the exigence whereof you are hereby required to conform; making your return within six days from the date hereof.

Given under my hand, and the seal of this court, this 13th day of January A. D. 1812.

(signed) *H. Clephane*, Third Judge for the Register.

Extract from the Proceedings of the Provincial Court for the Western Division, under date 13th January 1812.

The judges observing from Mr. Brown's statement, that Wallapitagata Assen Ally, the person who is represented as having sent from the Travancore country the six children found in Mr. Brown's plantation, as well as the nine discovered in the possession of certain persons, inhabitants of Mahé, is now within this jurisdiction;

Ordered, That the magistrate be called upon to report to the court, whether he has examined the said person, and if so, to furnish copy of his examination for the court.

The magistrate must also be called upon to state the measures he may have taken either by communication with the resident at the court of Travancore, or through any other channel, in order to follow the clue afforded by the declarations of the children, who represent themselves as of free parents, and, under various circumstances, stolen from their parents or relations,—for the purpose of verifying, as far as may be possible, the account they have given of themselves, in view to their eventual restoration to their parents or relations.

Ordered, That extract of the above be sent to the magistrate in the zillah of North Malabar, and a precept be issued, requiring his return thereto within six days from the date hereof.

(A true extract.) (signed) *H. Clephane*, Third Judge of the Register.

(F. 14.)—In pursuance of the exigence of the annexed precept, the magistrate forwards copy of the examination of Wallapitagata Assin Ally, and also of the further communications to and from Mr. Murdock Brown; the letter from Mr. Brown, dated Tellicherry, the 4th, was not received until the evening of the 5th, or would have been sent, with his return of the 4th, to the court's precept of the 27th. The magistrate

magistrate informs the judges further, that he has written to the resident at the court of Travancore, and forwarded all the information the children had given, and copy of Wallipillagata Assin Ally's examination: he also has commissioned some natives of Travancore to communicate to the public functionaries in that province, or in any other way they had the means of conveying the information of the discoveries of the children at Anjarakandy and Mahé, to their friends and relations; the magistrate also forwards the examination of the mopla Coomba Moidien, who stole and carried to Anjarakandy, Wallachee and her child, also of her brother, held before the magistrate on the 15th and 16th January, and the examination of the charicul rajah by commission; neither proprietors or owners of the free-born children or bondmen having yet preferred a charge against Wallapagata Assin Ally, Coomba Maidein, or any of the persons charged in their declarations as accessories, the magistrate has not committed them for trial, in consequence of the opinion the judges of the provincial court have been pleased to express in their precept, dated the 5th; should the judges, notwithstanding, now think that a prosecution can be supported against these persons, without a complaint being preferred by the proprietors of the free-born or bond children, the government vakeel shall be instructed to prosecute them in the same way that the accomplices of Assin Ally have been, in case N° 15 on the calendar.

Given under my hand, and the seal of the court, this 21st day of January, Anno Domini 1812.

(signed) *T. H. Baber*, Magistrate.

(G.)—To Mawilla Cannen, Darogha of Cotiote.

I understand, that during the examination held at the commissioners' cutchery, at Irvary, of Mr. Brown's labourers, the infant of one Odaloor Chakky, a Poobe, died. You will therefore, on the receipt of this order, go yourself and examine the mother of the child and four chermars, who may be acquainted with the circumstances of the child's death, as to the cause thereof, and what the sickness was; and having taken down their examinations, forward the papers to the court. Dated 987, Dhanoo 11th.

(signed) *T. H. Baber*, Magistrate.

To T. H. Baber, Esq. Magistrate in the Zillah, North Malabar.
The Report of Mawilla Cannen, Darogah of Cotiote and Randatara Talook.

Immediately on the receipt of your order, dated the 13th instant, directing me to examine Odaloor Chakky, the mother of the child, which died during the examination held at Irvery, of Mr. Brown's workmen, as also four chermurs, who might be acquainted with the circumstance of the child's death, and to forward the papers to your court;—I questioned the said Chakky, who said, her child was a boy half a year old; that it had, in the month of Medam, lost both its eyes in consequence of a disease that had attacked its head; since which it had got a dysentery and voided blood, and was very ill; when in this month a menon tamburan, accompanied by kolkars, came from Tellicherry, and called all the Adears and Welsowan, who were brought away forcibly (from their country), to go to the commissioner's cutcherry at Irvery; that Chakky seeing several of them proceeding thither, and being one of those who had been seized and brought away forcibly, and supposing that, if she should go and state her grievances at the Irvery cutcherry, she would get back to her country; she also took up her child that was ill, and of her own will went to the Irvery cutcherry; that, while there, the child got worse, and died; and that Pooliars, Ayapan and Eralan Chaten knew all the circumstances attending its death. I accordingly took down her examination, and got it signed by her; and when I examined the said Ayapen and Chaten, they said, the child had lost both its eyes some months previously; since then voided blood, and was very ill when Chakky took it to the Irvery cutcherry, and it died there through sickness. I took down their examinations also, which are herewith forwarded to the court.

Examination of Chermy Odaloor Chakky, of Odaloor Tara to the southward, made on the 14th Danoo 986, (27th December 1811), before the Darogha of Cotiote. 14 Danoo, 987.

Question.—Did a child of your's die at Irvery commissioner's cutcherry?
Answer.—Yes.

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Was it a boy or girl, and what happened to it?

About three months ago, the child was seized with a disorder in the head, and lost its sight in both eyes, and afterwards voided blood; it was a boy, half a year old, and was very ill in a dying state, before we went to Irvery cutcherry.

Why did you go to Irvery cutcherry?

I understood a menon tambooran had come from Tellicherry, and told all the Adears who had been seized and brought away, to go to Irvery; I saw several of them proceeding thither, and being one of those who had been seized and brought away; and supposing if I should go and state my grievances there, I should get back to my country, I also went there.

You said your child had some disorder in the head and bowels; did you shew it to any doctor?

I did not shew it to any doctor.

Did anybody else know of your child being previously taken ill; nearly dying?

Poolian Ayapan and Eralan Chatan knew of it.

Did you tell either the menon or the kolkars who came from Tellicherry, that as your child was sick, you could not go to Irvery cutcherry?

I did not say anything to them; I went there of my own free will.

Witnessed by Coran Chorata Cootoo.

Examination of Poolian Ayapan, of Arattate Deshum to the southward, made on the 27th December 1811, (14th Danoo 989,) before the Cotiote Darogah.

Question.—Are you acquainted with Odoloor Chakky, one of Mr. Brown's Poolian Adears at Anjarakandy?

Answer.—Yes, ever since we came to Anjarakandy.

Did you ever see Chakky's child, a boy aged half a year.

Yes, I have.

Was the child sick; if so, state what the sickness was, how long since it was in that state, and any other circumstances which you may be acquainted with.

The child had been sometime sick before the month of Methoonam; a sickness in the eyes appeared before Kurkadagom; both its eyes were lost afterwards; I don't know in what month; a disorder in the bowels commenced, and since that, the child has voided blood, and was very ill, when we went to Irvery cutcherry to give our depositions, and it died there through the same sickness.

Examination of Cherman Chaten, of Anangatta Tara, in Wallatara, to the southward, 14th Danoo 987, (27th December 1811,) made before the Darogha of Cotiote.

Question.—Are you acquainted with one Odaloor Chakky amongst Mr. Brown's Poolian labourers?

Answer.—Yes, I am.

Did you see her child, a boy, half a year old.

Yes, I did.

Had the child any sickness; if so, how many months since it commenced; and state also any other circumstances which you may be acquainted with?

In the month of Medom 986, the child got a sickness in the eyes, and looseness of the bowels; in Methoonana, it lost both its eyes, and afterwards voided blood, and was taken very ill and nearly dying; and when we lately went to Irvery cutcherry to give our depositions there, the said child died owing to the same sickness.

Examination of Odaloor Chakky made on the 27th December 1811, (14th Danoo 987,) before the Magistrate, in the Zillah, North Malabar.

Question.—You have heard read to you what you deposed before the Darogha; is it as you stated?

Answer.—It is as I stated.

After

After you and your child had been taken to Irvary, did you receive any ill-treatment?

No ill-treatment was given, as we got our expenses, and all we wanted.

Did you think your child died of sickness, or from any other cause?

It had lost its eyes long before; after which, it got a dysentery, and voided blood, and died of the same, but from no other cause whatever.

Have you any doubt as to the cause of its death; do you think your child did not die from sickness; and have you any complaint on this account?

It was from sickness that my child died; I have not the least suspicion to the contrary; and why should I grieve myself, when it died a natural death.

Was the child exposed to the sun on the day of its death, or did it want for food.

No, nothing of the kind passed.

Examination of Poolian Ayapan, made on the 14th Danoo 987; 27th December 1811, before the Magistrate, in the Zillah North Malabar.

Question.—You have heard read to you the examination taken of you before the darogah; is it as you stated, or is there any difference?

Answer.—It is as I stated; there is no difference.

Do you think the child died from any other cause but sickness?

Medicines were administered, but the sickness increased, therefore all the medicines were discontinued; it was then we went to Irvary; while there the child died.

Do you suppose the child died from being exposed in the sun, or any other cause?

It was not exposed to the sun, but kept inside of the cutchery; it died of the sickness; there was no other cause.

Examination of Eralan Cherman Chatten, made on the 14th Danoo 987, 27th December 1811, made before the Magistrate in the Zillah North Malabar.

Question.—You have heard read to you the deposition you made before the darogah about the death of a child of Pooley Chermi Chakky: is it as you stated, or is there any thing that you did not say?

Answer.—It is as I stated.

Do you think the child died from any other cause but sickness?

Owing to sickness it refused conjee and water, and got a looseness in its bowels and voided blood; different medicines were given it, but as the sickness got worse the giving medicines was discontinued; it was then the child was taken to Irvary and died there.

Do you suppose the child died from being exposed in the sun, or any other cause?

It was not exposed to the sun. It was in the cutcherry, and it died of sickness, there is not a doubt to the contrary.

(signed)

Translated by *T. H. Baber*, Magistrate.

(H. 1.)—Examination of Wallapagata Assen Ally, 26th Danoo 987, 8th January 1812.

Question.—In an investigation held before the court, it appears that you had sent up here some children from Aleppi; if you did so, state all the particulars?

Answer.—I have; in the month of Methoonum 986, (June 1811), Mr. Brown sent me to Aleppi with money to pay for 500 bandies of pepper he had purchased there, and to send it off to Bombay; and after my arrival at Aleppi, seeing several people purchase adiamakul (slaves), I went to the cutwal of that place and told him, that as several persons are making purchases of children, I wanted to do so likewise; the cutwal said there was no impediment in buying and selling children at

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that place, and that I might buy as many as I wanted; I then bought of several persons, at different times, both male and female, in number 25 children, of which I sent eight to Mahé, and six to Brown Sahib, and had sent off in a boat eleven more for Mr. Brown, when, as the boat people went ashore at Arantungal near to Cochin to cook their rice, some of the inhabitants came and asked the boat people from what country the children were brought; they (the boat people) got frightened and run away, on which the inhabitants of that place took the eleven children and my man, named Poeren, to Tanawil (Tannah station), stated the circumstances there, when I was taken up and carried to Manilakara court, where an inquiry was held, and I was made to pay a fine of 1,000 rupees; they took the children and all the articles in the boat from me, and gave me a tearpe (decree); they afterwards told me they would restore to me the things found in the boat, and make those who had received the price of the children to refund the amount to me. After this my nephew, Coony Amod, wrote me from Mahé; the children I had sent there were seized and detained by the sahib's (magistrate's) orders; no sooner did this writing reach me, than I came by sea, arrived at Mahé yesterday, and to-day on my way to court I went to Mr. Brown, who gave me the letter which I have presented; I have brought with me the pramanums passed by those who sold the children to me and the teerpa I got from Mawilakara.

Of what caste are the children you purchased?

The people who sold them to me said they were Wettoowas, Pooliars, Chanardmara and Darawara, and when I purchased them they had mopla names.

For whom did you purchase them?

When I departed for southward, Mr. Brown told me to buy ten or fifteen for him; I wanted also some, and sent six to Mr. Brown, and eight for my family at Mahé; the other eleven, who were stopped on their way to Malabar, were also going to Mr. Brown; two girls and one boy of the children discovered at Mahé were purchased for me by the cutwal of Attapy, whom I paid for them, and the others were purchased with the knowledge of the cutwal.

What has been done with those 11 children taken from you at Mawilakara?

They were kept at Mawilakara, one has been taken away by its mother.

Did you there tell, that you had already sent 14 children to Mahé, and to Mr. Brown?

They did not ask, nor did I tell them.

You said that you purchased the children with the cutwal's knowledge; was any inquiry held into his conduct?

I heard he was fined in 54 fanams, and when I came away, I heard it was settled at 36 fanams.

Look at these 15 children, are they those you sent up here?

Nine of them I know well; they remained a few days with me, before they were sent off; of those sent to Mr. Brown, I saw but two or three, but the others were sent by my desire; they were sent by manchoo, one or two at a time.

The girl Idaty says she is a Shorder girl (Nanjer); is it the case?

The person who sold her to me, and she herself told me she was not a Shorder girl.

The other children say, one is a Cowwar, one a Wittowun, and the others of Tier caste; is it the case?

At the time I purchased them, they had mopla names; they did not tell me what caste they were. (*Vide* answer to second question.)

The children whom you sent to Mr. Brown say, two are of Shooder caste, (Nairs), two of Tier, one of Mopla, and one a Peaty; did you know of this?

Their names were written and given me, but the persons who sold them to me said, they were of low caste, but I do not know what their caste is; in the writing I have got, the caste of some is mentioned, and the names of others; I therefore sent them to Mr. Brown; those sent to Mahé were purchased with my own money, and kept in the place where I resided; one I made a present of, but I received no price.

Had these children, before they came to you, eat moplas food?

They had eat moplas food before they were given to me, and bore moplas names also.

Did

Did you pay for the children sent to Mr. Brown, or did Mr. Brown give you money to pay for them?

I had Mr. Brown's money in my hands, out of which I paid for them; when the accounts are adjusted, I shall debit him therewith.

Do you know if the children you sent to Mr. Brown, had previous to their coming to you, or their being sent to Mr. Brown, been associated with Pooliars, and eat their food?

I did not know of the circumstance of their being placed amongst Pooliars, nor did I do so.

This case must be tried before the Court of Sessions; do you wish therefore any witness to be summoned on that occasion?

Those persons who passed the pramanams to me, besides there are Ackoo Chiria Chaddean Kacdatom Packen, the persons who came with me.

When these children were brought from Anjarakandy and examined, some Pooliars said they also had been seized and brought from the southward, and that Assin Ally's men, Wappen Cooty and Coonky Perry, were the persons who brought them; do you know of it?

I did neither send any Pooliars, or know any thing about them. I have no person by me, by name of Bappen Cootty, Coonby Perry.

Are you acquainted with Bappen Cooty and Coonhy Perry?

There is a person serving under Mr. Brown, by the name of Bappoo, but I don't know Coonky Perry.

Are children being seized and sold at Allepy, or other places in the vicinity?

Last year, when I went there, I wanted to get one, but could not succeed; but when I went last there, I found several people had bought a great number; but since the examination took place on the occasion of my purchasing children, a proclamation was issued, that in future all such purchases must be made agreeably to the established rules, and that those who do make such purchases, will not be allowed to take them out of the country.

Has any other person from this country purchased and brought away any children?

I heard that Koonhy Kam's people, for himself and some people of Calicut, had purchased and brought away about 400. I myself saw a boat bringing some.

Has any person, subject to the jurisdiction of this Zillah, brought any?

While there (to the southward) I heard some people of Tellicherry had carried away some Adeamakul, but don't know who they were, or what number.

(signed)

Translated by *T. H. Baber*, Magistrate.

(H. 2.)—Teerpu, or Final Order passed in the Court of Mawilakara by Maha Dewan Krestnen, Loganade Shastrikul and Aya Sawmy Shastrikul, 17th Danoo 987, or 28th December 1811.

Complainant,—None.

The delivery of the children into the tannah of Aleppi was by the Servady Karakar, Manager of the Pepper Receipts. N° 100.

Defendants,—Assen Ally, of Mahé, now residing at Aleppi, and his man Pakren. Date of information is 25th Tulam.

First.—Declaration of Pakren.

Oath, 21st Tulam, at night, (5th November 1811.)

Eleven children of three different castes, with the following utensils, 4 orabes, 3 tallegas, 2 collambees, also 1 velly pudo and orrah (silver-hilted sword), 1 todala oola keereesha (d° creas), 1 pechan katy of deta peedie (ivory handle knife), and some other articles, were put on board a battom (boat) to be sent to Mahé, which accordingly proceeded, and, arriving on the southern side of Shartengel Patty, the children were taken ashore; and, while cooking our conjee, one Caroogashary Yonaghan, seeing the children, went and questioned them, and then informed the head people of that desham, who immediately came to the beach, took me and the children to Ayanal Tarah, and delivered us over there, where they desired me to

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tell the truth, and took down my deposition, and a list of the children; thence they took us to the servady karakar, manager of the pepper receipts at Aleppi, who gave us over to the tannah of that place; afterwards, the servady karakar sent Assen Ally and the eleven children to Mawilakara court.

Second Declaration of Assen Ally.

In obedience to the order from Mawilakara to state all the particulars relative to the deposition taken of my man Pakren, and the information therein, and a list of children whom I had dispatched to Tellicherry, the following is a true statement of the facts:—I declare, that on my departure from Mahé to this place, my employer, Brown Sahib, desired me to purchase and forward, from Aleppi to Anjarakandy, ten or fifteen children of low caste. Accordingly, after my arrival at Aleppi, I spoke to Odeanpilla, the cutwal, of my intention of buying and dispatching some children; he said I might buy them, but it was usual to pay the pundarum (government) certain fees; that he would write to the darah (resident) on the subject, and obtain his permission to make some purchases. I then requested him to write off without delay, and made the following purchases:—1st, I bought of Cunhyan Cooty Adjura, native of northward, but now residing at Paracatta in Travancore, five
44 R^s. Poolay children, and paid 312½ fanams (killien) for them; 2d, of Carootil Coony Paneay, who resides at Aquil Wadakunda Puramba, viz. one boy and one girl of
17 R^s. Poolay caste, for 125 fanams; 3d, of Collakaran Wappoo, residing in the said
D^o Puramba, one boy and one girl of Chona caste, for 125 fanams; 4th, of Mannen Cunhyan, the agent of Mackachee of Tellicherry, now residing at Quiton, one girl and
30 R^s. one boy, as also two children of Chewa caste, and paid for all four 211¼ fanams; and after having bought five boys and eight girls, total thirteen in number, and paid their price, 783 fanams, and got karunums (bonds) passed for them, I asked the aforesaid cutwal to settle the fees: he told me he had written on one or two occasions on the subject of the fees, but had got no answer; that, as soon as it arrived, he would adjust the fees. I then procured a battom (boat) from Murcom Tamacara of Aleppi, and on the 22d Tulam put on board some articles I had purchased at an outcry, and sent eleven of the children, keeping only two with myself, and delivered them to my man Pakren, and told him to take them by land, and that should that be impracticable, to take them by water, and deliver them to Mr. Brown. I next ordered the boat to be taken to a place out of the limits of the Aleppi port, made the eleven children walk thither, and having embarked them on board, I sent them off. Of the two children bought of Collatacar, a wappoo, one was given back to him, but the other, a girl, eloped without my knowing whither.

The defendant has thus acknowledged, in the above kaichit writing, that the children were embarked at a place out of the limits of the port, without the knowledge of the officers (pellamar) of the port, and the guard.

Third.—Cunhayan Cooty, and the other four persons who sold the children, being brought and examined, have given in kaichits, that they did sell the children and received the price.

Fourth.—The cutwal being examined, has given kaichit that he was asked as to what the customary fees were on the occasion of buying and selling slaves, but that he answered, that formerly there were rules for the payment of fees in the disposal of Adears; that he would write to the presence, and obtain an order as to the settlement of fees; that he was not informed of the circumstances of the eleven children being embarked in a battom, and sent off, nor did he know of it.

Fifth.—The servant of the port and the guard, being called and examined, have given in a kaichit, that they knew nothing of the children being purchased, embarked or taken away.

Sixth.—The boat people, Antoned Marcan, and others, being examined, say, the prisoner told them he was going to send to Mahé some articles, that he required their services; that accordingly the articles (which had been purchased at an outcry) were put on board the battom at about four naregas before sun-set; that the prisoner sent word to them to take the battom out of the boundaries of the port, and stop at Ragnaranjary; that they accordingly took the battom, and waited there, when the defendant's man, Pakren, came and told them there were some more articles to be put on board, and then took with him three of the boat people; that at night, after ten narigas, they came and called out to them to bring the boat near the shore, which they did, when eleven children were embarked.

Seventh.—The children, being brought and examined, say, that while asleep in their houses, Metenmar (moplas) went and took them away; in the day-time they

were

were confined in houses, and in the night taken by the beach side, and sold to wadakanmara (northern people), who took them to Aleppi, and kept them in the day-time in a place that was surrounded with a compound, and on the 25th Tulam, after ten naregas after sun-set, they were taken by the beach, and put on board a battom (boat).

The prisoner, having thus been proved to have purchased children that had been stolen at night, and to have clandestinely embarked at night natives of our country, and, without the permission of the sovereign of that country, taken them to another country; that, by the laws of every country, persons stealing and clandestinely exporting children without the permission of their respective sovereigns, or the knowledge of any one, are utamasahasears (public offenders), we therefore adjudge the defendant to be fined.

Date of the decree, 17th Danoo.

The children sent by the manager of the pepper receipts, and who were embarked on board the battom, having been restored to their respective owners, the said utamarahassy (offender) is sentenced to pay 1,000 rupees, and then to be set at liberty. Pakren, being the defendant's servant, and as his employer's crime has been punished, he is ordered to be set at liberty.

The aforesaid Modolaly utamasahassy having paid the sum of 1,000 rupees, passed an order for his release.

(signed)

Translated by *T. H. Baber*, Magistrate.

(I.)—To Baboo Baien, Nazzir of the Criminal Court of the Zillah, North Malabar.

Whereas depositions on oath have been taken before me, charging Bappen and Coony Parry, of Iruvendad Talook, in the service of Mr. Brown, with having stolen and brought away from the southward some Adears of the Poolie Inbe, you are therefore hereby directed to apprehend the said two persons, and produce them before the magistrate. Herein fail not.

(signed)

26th Danoo, 987, 8th January 1812.

Endorsement by the Nazzir, delivered into the hands of Kolkar Pootooma Cunhy Moideen, 8th January 1812, returned on the 9th, saying, Bappen is gone to Goa, Cunhy Parrey not to be found.

To Tolan Moopan, Darogha of Mahé and Iruvenaad Talook.

It appears, from the examinations held in this court, that one Bappen and Cooney Parrey were the persons who brought some Adears from the southward; I therefore herewith send a warrant for their apprehension, which having served, you will send them to the magistrate's court immediately; but in case of their being reported to have left the place, you will ascertain the fact, and inform me thereof.

(signed)

To Thomas H. Baber, Esq. Magistrate in the Zillah, North Malabar.

The Writing of Tolan Moopa, Darogha of Mahé and Iruvenaad.

In obedience to your order, directing me to serve the warrant forwarded therewith, on Bappen and Coony Parrey, it appearing in some examinations held before the court, they had brought some Adears from the southward, and to send them to the court; and in case of their being said to have left the place, to ascertain the truth thereof and report the same, I have made an inquiry, and herewith forward the result thereof in writing.

28th Danoo 987.

Declaration of Coyecote Canty Caya, a woman inhabitant of Mahé Hobely and Tara, made in the cutcherry of Mahé and Iruvenaad, darogha, on the 28th Danoo 987.

I am not certain whether, on the 25th or 26th of the present danoo, but it was on one of the said dates, that my son Coony Parry was put on board a manchoo by Wallapagata Assin Ally, and sent off to Poonamy; this is the truth.

Witnesses, Tekkedatita Curbyamoo Odeata Mamis.

Translated by *T. H. Baber*, Magistrate.

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(K.)—Examination of Cherekul Ravey Werna, Rajah by commission, on questions sent by the Magistrate of Zillah, North Malabar, on the 3d Makarum 987, or January 1st, 1812.

Question.—Have you any right to Poolee Kahachirry Wattachy, of Arengalla Wattoo?

Answer.—All the Poolea Adears of Arengaden Waka are my jelm property, and I have accordingly right to Wallachy and her daughter Chermee.

State whether you sold, or mortgaged your right, or lent them to any one, or whether you know of any one taking them away?

I neither sold or leased them to any one, while the said Adiatic was living with her younger brother Arengaden Willayen; I heard in 986 last, between the month of Yrddarum and Medvanum, that the aforesaid Wattachy and her daughter went and lived in a challa of a Poolea of the same waka, in Kanapoorata Deshum, and that four days after the aforesaid Adiatee and Chermee were not to be seen there, on which I sent people in quest of them, but they were not to be found any where.

(signed)

Examination of Coomba Moideen, made before the Commissioner of the Cherrecul Talook, 13th January 1812, 1st Makaram 987.

Question.—Did you take to Anjarakandy for sale, any Adears?

Answer.—I did not sell them; they came to me, and I placed them at Anjarakandy.

Whose jelm property are the Adears, of what tribe, and what are their names?

Wattachee and her daughter; they are the property of the Cherrical Raja; their caste, and the daughter's name, I don't know.

In whose service were the said Adeaty and her daughter, and in what Deshum did they live?

They came from Pattaeddata, in Canawooram Tara, but not from any person's service.

Mention the names of those who live in the neighbourhood of the said Adears place of residence?

Panean Chadean Ibraim, son of Mowoongel Cooty Ally, Tean Pangarau, Poken Cottambally, Odeota Cannen, are the persons who live in that neighbourhood.

When did you take away the Adeaty and her daughter, from whence, how, and by what means?

In the month of Karhadum 986, I took them from Pallaeddata, in the aforesaid tara, and crossed them over the Rupee Codava (a ferry.)

Who crossed you over the ferry, who was it that paid the toll, and did you arrive at Anjarakandy on the same day, and did you sell them to any one there?

Capasadavan Moideen was the person who crossed us over the river; I put some pice into the Adeaty's hands; she paid the hire; we arrived at Anjarakandy the same day, where I provided her with expenses, and kept her with me; I gave her to Pattealam Toopara, where she remained six days; on the 7th, she was placed with Mr. Brown.

What sum did Mr. Brown give you on account of these Adears?

Mr. Brown gave me none, but Palacatan Toopara paid me and rupees.

(signed.)

(K. 2.)—Information of Cherricul Tambooram, by Vakeel Kowakoonata Christman, nephew of Hendor Christman, managers of Cherricul Tambooram affairs, aged 35 years, inhabitant of Cherricul Tallook Hobelles and Deshen, given before the magistrate of Zilla, North Malabar, on the 19th Makarum 987, or 31st January 1812.

One day in the month of Yedavam 986, Kalliacherry Valluchy and her daughter Valluchy, the jelm property of Cherricul Tambooram, were missing; a search was made, but they could not be traced out; afterwards, on the 1st Makarom 987, I heard

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I heard that on Erramballa Chandoo, the commissioner of Cherricul Neadoopakoothy, examining the prisoner, Kumba Moideen, by the order of the court, it came to light that he (the prisoner) stole and disposed of them; after which, when I saw the aforesaid Wattachy and her daughter Wallachy in the court, on their being brought from Mr. Brown, I was certain that the above-mentioned Wattachy and her daughter Wallachy, were the jelm property of the Cherrical Tambooram, and there heard that the aforesaid Kumba Moideen had stolen them, put on koopay (mopla dress) and taken them to Anjarakandy, and concealed them there at his brother Parrey's house, and afterwards at Pattookalem Tooproo's house, and Cattacaram Cunhy Packer's house, who returned them back to him, when Mayerkarin Baba took them from the aforesaid Parrey, carried the said Wattachy and her daughter, and placed them with Brown Sahib; on this account I prosecute the prisoner, Kumba Moideen, for stealing the aforesaid Wattachy and her daughter Wallachy, and also the rest of the prisoners, for concealing them, knowing that they had been stolen.

(sworn and signed.)

For Summons, see Mr. Brown. *Vide* p. 672. K. 3.

(K. 4.)—The Vakeelutamah of Maha Raja Sir Brown Sahib Awaraneal to Ana Curby Amod, one of the vakeels to the Zilla court, North Malabar.

The Cherricul Raja having preferred a complaint against Coomba Moideen, about two Poolie adianmar (slaves), an order has come to me to state to the court what right or claim I have to Wattachee and her daughter Wattachee, I hereby appoint you my vakeel or attorney, to state to the court that I have no claim to the aforesaid Wattachee and her daughter Wallachee, and whatever you state to the court I will abide by.

(signed) *Mr Brown.*

(signed) *A. Douglas,* Witness. *W. Ravenshaw.*

To Thomas H. Baber, Esq. Judge and Magistrate of Zillah, North Malabar.

The representation of Vakeel Ara Curby Amood, in the name and behalf of Mr. Brown.

Sheweth,—My client has been called upon to state to the court his right to the Poolies Wattachee and her daughter Wattachee, in consequence of a complaint being preferred against Kumban Moideen claiming them; the following is the answer:—My client, Mr. Brown, has no right to the aforesaid two Poolies; one day in 987, Mr. Brown having been informed that Kumban Moideen, resident at Anjarakandy, had brought the said Poolies to Anjarakandy with koopays on them, sent for Moideen, to know whether it was so or not, but he was not to be found there; four days afterwards Mr. Brown sent Baba to call the aforesaid Moideen's brother, Parrey of Anjarakandy; Baber accordingly brought the said Parrey and the two Poolies with him, when Mr. Brown interrogated Parrey, in what manner these two Poolies had been brought there; he said that his eldest brother, Moideen, had brought these two Poolies, but that he did not know the manner in which he came by them; that his brother Moideen would tell; and that until his return these two Poolies might be placed amongst Mr. Brown's slaves; they were accordingly placed amongst Poolies of Mr. Brown, merely until the return of Moideen; after which Parrey went away; but before Moideen came, and the matter could be brought to light, the whole of the Poolies were taken away by the order of the court; but at that time Mr. Brown informed Chatoo Menon, that the two above-mentioned Pooliars did not belong to him; this is the truth.

(signed.)

(K. 2.)—Examination of Koomba Moideen Mussulman Mopilla, nephew of Chocara Moopa, 30 years of age, a labourer by profession, inhabitant of Cherricul Talook Kalliacherry Hobelly and Tarrah, taken on the 4th Makarom 987, or 16th January 1812,

Question.—Look at this Wattachy Pooluchermy and her child; are they the same Chermys whom you carried away?

Answer.—Yes, they are the same.

From whence did you carry them away?

I carried them away Conoporatoo Pataddo Challa.

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When you carried them away, did you tell the people she belonged to, or did they know of it?

No, I neither told them, nor did they know of my doing so.

After you took them away, where did you keep them?

After I took them away that day, I kept them in my Maddakara house; the next day I took them to Anjarakandy, and kept them at my younger brother Parrey's house, where I put the koopayum on them, and left them there for seven or eight days; at this time Patekalen Tooper came and asked to let him have them; I gave them both to him for eight rupees, which sum he paid me; but when this came to Mr. Brown's knowledge he said he must have these Pooliars; Tooper then brought them back to the house of my younger brother Parrey, and I went to my Madakara house; at that time the aforesaid Sahib's servant, Baba, came, took the koopayum off the Poolies, carried them off and placed them amongst the other labourers of Mr. Brown; after this Tooper asked my younger brother Parrey for the rupees he had paid, when my brother gave back to Tooper his eight rupees.

When was it you took them away afterwards; why and when was it that Mr. Brown took them away?

I think it was in the month of Medoonam 986, June 1812, that I took and kept them in my house afterwards in the month of Chingom; my brother Parrey told me that Mr. Brown had sent his servant to say, that whoever brought that description of persons within his five tarrats, they should serve him alone, and that no other person had a title to them, and then carried them away.

Who is the jemmy (proprietor)?

The Cherricul Rajah.

Do you know if they were ever sold to anybody, or by whom they were employed?

No, I never heard.

Did you tell the jemmy, Cherricul Tambooram, of your having carried them away?

No, I did not.

You have said you gave them to Palikalen Tooper, did you pass any pramanum (writing) to that effect?

No, I did not pass a pramanum.

Did you know before this time, this Wattachee and her child?

I did not know them before I carried them away.

Did you give to your brother Parrey, to Pattakalon Tooper, or did your brother Parrey give a writing of them to Brown Sahib?

I did not give a writing to my brother Perrey, Tooper, or Mr. Brown, on account of this Wattachee.

How came you to carry off this Wattachee without any person's knowledge, put on a koopa, and receive money for her?

Because of my want of sense, I acknowledge my error.

Don't you know, that whoever steals another Adiama, commits a crime?

I have no claim to them; what I have done, is for want of sense.

(signed)

Examination of the prisoner Kumba Parrey, taken on the 13th Makarom 987, or 27th January 1812, before the Magistrate in the Zillah, North Malabar.

Question.—To whom did your brother Kumla Moideen sell Pooley Wattachee and her daughter Wallachee, after he had brought and kept them in your house, and put on them koopayum (mopilla dress)?

Answer.—One day, in the month of Karkadagom 986, when I returned from Coory (where I had been to buy rice), I saw in my house my eldest brother, Moideen, with two Poolies; I asked him from whence he brought them; he told me from the northward; that he had purchased them; he then kept them in my house for four or five days, and took them away, and placed Wattachee, with Cottakarem Koonby Pocker and her daughter, with Pattacaren Tooper, and told them that he was going to

to fetch their title deeds, and he went away; ten or fifteen days afterwards, Moideen returned and told me that he had mislaid their title deeds, on which Poker and Tooper brought them again to my house. Three days after this, Brown Sahib's man, Machukaree Baba, came and told me that he had Brown Sahib's order to take them to the pandishalla; he accordingly took the aforesaid Wattachee and her daughter Wallachee and myself to Anjarakandy, to Brown Sahib's pandishalla. On our arrival there, he went inside and informed Brown Sahib, and then he returned and told me to go away, and I went away; afterwards I heard the aforesaid two persons were employed in Brown Sahib's plantation, and while they were working there, the court officers came and took them away; this is what I know.

Who was the person that put the koopayum on Wattachee and her daughter Wallachee?

I don't know; when I first saw them, they had on them the koopayam.

You said that they were taken to Brown Sahib; do you know the reason of their being taken there?

I don't know the reason; when they were in my house, Brown Sahib's man came and took them away.

Did either you or Moideen pass any writing to Brown Sahib, or receive any money from him?

No, we neither passed to Brown Sahib any writing, or received from him any money; they were taken away while Mordeen was absent.

Did you return any rupees on this account, to Pattookaren Tooper?

No, I did not give any rupees on this account, nor did I know any thing about the rupees; but I and Pattookaren Tooper have money transactions.

Did either you or your eldest brother receive any rupees?

Whether Moideen received or not I do not know; I received some money on account of pepper, besides which, I neither received nor gave any money.

When you took Wattachy and her daughter Wallachee to Brown Saib, did the Sahibmar (Mr. Brown or his son) see them?

Wallid Brown Sahib saw them.

Did either Brown Sahib say anything to you, or did you tell Brown Sahib anything about these Poolies?

Nothing whatever. (signed)

(K. 2.)—Examination of Pattakalan Toopra.

Question.—Did you purchase of Coombra Moideen, for eight rupees, Wattachee and her daughter Wallachee?

Answer.—One day in Karkadakam 986, Coomba Moideen brought Wattachee and her daughter to me with Akoopai, and asked me if I would buy them; at this time, Koteakaren Cunhy Paker came there, when Coomba Moideen again asked us; we answered we would take them if they were his, and he would produce the title deeds, and a sirkar writing when we purchase them in the regular manner; Moideen said he would go and fetch the title deeds, and that we might keep them until his return. Wattachee was then placed with Poker Wellachee; her daughter I kept. About 15 days after, Moideen came and said, that the title deeds he had lost; we then said, we did not want them. Poker then returned to Moideen Wattachee, and I gave back to Moideen's brother Wallachee; after this, I heard that both had been given to Brown Sahib, this is all I did; I did not give a rupee or make the purchase of them; I, Coomba Moideen and his brother Perry, have accounts together.

Who took and gave Wattachee and her daughter to Mr. Brown?

I heard Kumba Moideen's brother, Perry.

How did he give them?

That I do not know.

Who carried and actually delivered them to Brown Sahib?

That I do not know.

(signed)

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(K. 2.)—Examination of Kotlakaran Kunhy Poker, taken on the 13th Makaram 987, or 27th January 1812, before the Magistrate, in the Zillah, North Malabar.

Question.—Did you purchase from Kumba Moideen this Wattachee and her daughter Wellachee?

Answer.—One day in the month of Karkadagom 987, Kumba Moideen brought two Poolies, and offered to sell them to Pattookaren Tooper; at that time I arrived there, when Tooper told me the aforesaid Moideen had brought two Poolies to sell, and had kept them in his house; I told him, if he (Moideen) had brought Poolies to sell, I would take one of them; he (Tooper) told me to purchase one; I then told him, if Moideen would produce their jelm pramanum (title deeds), and a writing from the kutcherry, authorizing him to sell them, I would purchase one agreeable to the customs; Moideen then said, that he would go and fetch their title deeds, and requested us to keep them; he then delivered Wattachy to me, and the daughter Wellachy to Tooper, and he went away. Fifteen or sixteen days afterwards, the aforesaid Moideen came and said, that he had lost their title deeds; I then said, that I did not want them, and delivered back to Moideen Wattachy; afterwards Tooper told me, that he had also given back the daughter to Parry; this is what passed.

Who gave to Mr. Brown the Wattachy and her daughter Wellachy?

I do not know who did; after I had delivered to Moideen, I saw them working amongst Brown Sahib's Poolears.

Do you know whose Poolies Wattachy and her daughter Wellachee are?

I do not know; I have not heard.

Did either Moideen or his brother Perry receive any money from Tooper, Mr. Brown, or any other person?

I do not know; I never heard money had been received.

(signed)

(K. 2.)—Examination of Mahekaren Baba, taken on the 13th Makaram 987, or 27th, before the Magistrate, in the Zillah, North Malabar.

Question.—Did you take Wattachee Pooly, and her daughter Wellachy, from the house of Koemba Parrey, and gave them to Mr. Brown?

Answer.—No, I did not take them from Koemba Parrey's house; I do not recollect the month or the day; but one day in this year, 987, I saw Wattachee Pooly and her daughter at my house; I asked them why they came there; they replied that they had nothing to eat, and therefore they came there; that day I had a Pootary (feast) in my house; Kumba Moideen had came there also, and we all eat rice, and stayed there that night; the next day when I went to work at Brown Sahib's house, the sahib told me, that he had heard that in Kumba Moideen's house there were one Adiaty and her daughter, and desired me to go and bring them, and also Parrey; I immediately went and called Wattachee and her daughter Wellachy and Parrey, and took them to Brown Sahib's pandishalla, where they were placed amongst the other Pooliars; at that time Wellachee stated her grievances to Brown Sahib, saying, that she had been stolen at night time, when Brown Sahib told her, that when he, Moideen, came, he would make me amends, and desired her to stay there until that time, and told Perry to go away; this is what passed.

In what employment are you under Mr. Brown?

I work at Brown Sahib's pandishalla, and receive six rupees per month.

Did Mr. Brown receive any writing, or did he give any money for them?

No; he neither took a writing, nor did he give any money for them.

Then what is the reason that they were taken and kept by Mr. Brown?

I don't know the reason; Brown Sahib desired me to go and bring them, therefore I went and brought them.

Did Mr. Brown take any writing either from Kumba Perry or Moideen, or did he ever give any money to them on this account?

I don't know; I never heard any writing was taken, or any money was given to them.

You

You said that you took the aforesaid Wattachee, and her daughter Wellachee, to Mr. Brown, and left them there; afterwards, did either Moideen or Perry tell you any thing about this business?

No, they did not; but while I was working at Anjarakandy, people from the court came, and took away the aforesaid two persons.

Do you know to whom this Wattachee and her daughter belong?

No, I do not.

Deponent, after the above is read, says as follows:

One day, Perry's brother, Moideen, told me, that he had a Adear and a child, and that they had no means to live; do you ask Cheria Brown Sahib to employ them. Moideen accordingly accompanied me at this time; the Sahib had gone out to walk; on the Sahib's return home to drink tea, I told Sahib Moideen had a slave and her child in his possession, that he would place with him. The Sahib asked Moideen if he would sell them; he said that he could not then; Cheria Brown Sahib said, if he could not sell them, let them work there, and he would maintain them; Moideen then said, that he would go and bring them, but he never returned. Afterwards, when I met Moideen, I asked him why he had not brought to Anjarakandy the slaves he had promised; he said he had not brought them.

(signed.)

Examination of Wattachy before the Magistrate, 17th Danoo 987, (30th December 1811); aged about 31.

Question.—Where is your country, what is your name and caste?

Answer.—Kaleachery, to the northward; my caste, Poolay, and name, Wattachy.

How many years is it since you were brought away, and who is your tamburan (proprietor)?

I was brought here last Eddawam; my tamburan is the rajah of Cherical.

How were you brought here?

I was at work in the field, where Kumba Moideen seized me and my child, made us stay in a mopla's shop at Madacara; the next day crossed the copa car dana (ferry), and kept in his manjan parecay's shop at night, where he got me washed, and put a coopai on me, and then I was sold to a mopla, by name Poker, of Anjarakandy; the Anjarakandy atchen, Mr. Brown, knowing of this, took me forcibly away, and, taking off the coopai, placed me amongst his slaves.

(Translated.) *T. H. Baber*, Magistrate.

(K. 2.)—Examination of Poolian Wellayen, Brother to Wattachy.

Question.—Do you know this Poolai Chermy Wattachy, and her child?

Answer.—Yes, I do; she is Wattachy, my eldest sister; the child is her daughter, and my niece, Wellachee.

Where did they use to reside?

In the chala of my illakaron polabun at Irunevil.

Do you know how Wattachee and her child left that chala?

One day, in Yedavom last, after they had gone out to work, I missed them, and inquiring all about the country, but I could get no intimation where they had gone.

Whose jelm property is Wattachee?

The Cherical rajah's.

Besides the Cherical rajah, has any other person any title to this Chermee?

No other person.

Who married her?

Kaly Vagner Pooliar.

Where is he now?

He was apprehended for a theft, and has been in prison for the last year and a half.

For whom did Wattachee and her work?

Formerly Ercoorkaren Moideen.

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Who placed her with that person?
Paran Chandoo.

What right had Paran Chandoo to do so?
He was the prowartikaran to the Cherical rajah.

Do you know this Kumba Moideen?
No, I did not, until this inquiry took place. (signed.)

(K. 3.)—Zillah, North Malabar, (L.S.) Mr. Murdock Brown.

Whereas Rewa Werma, the Cherical rajah, has preferred a complaint by vakeel, in pursuance of the orders of the provincial court, that it was expedient that the Cherical rajah should appoint a person to carry on the prosecution in his name and in his behalf, against Coomba Maideen and his accomplices, in the theft of the persons of Poolie Wattachee and her daughter Wellachee, claimed by the said Reewa Worma, rajah of Cherical, as his rightful jelm property; and whereas, in the proceedings held before the magistrate, there are the strongest grounds to suppose that the aforesaid Wattachee and her daughter Wellachee were stolen; and whereas, in your communication dated the 4th January, in answer to the court's requisition, dated the 27th December and 3d January, to produce any evidence or documents you might have to adduce in support of your claims on Wattachee and her daughter Wellachee, together with other persons found on your plantation, who had declared they had been kidnapped, it is set forth, that your right to them you are perfectly prepared to support as soon as your property therein was impeached, you are therefore now required to attend, in person or by vakeel, on or before Monday the 3d February, before me, the magistrate of this Zillah, one of His Majesty's justices, and one of the justices assigned by the government of Fort St. George to keep the peace in the said Zillah, to account for the manner in which Wattachee and daughter came into your possession, and to make good your right thereto.

Herein fail not. Dated this 31st day of January, A. D. 1812.

Zillah North Malabar. (signed) *T. H. Baber*, M. & J. P.

(K. 5.)—To the Jailer.

27th February 1812.

Whereas Comba Moideen has been convicted of stealing eight Poolies, and sentenced to thirty stripes and six months imprisonment; Bawa Perry Toopara and Komby Paker have been sentenced to three months imprisonment each, for being accessories after the fact. You are therefore hereby required to carry the sentence on the first, by inflicting on the bare back of the aforesaid Comba Moideen, in front of the cutwall's cutcherry, at twelve o'clock of each day, on the 29th February, 1st May, and 1st July, ten stripes at a time, and afterwards confine him in irons for the period of six months to be computed from this date; and that on the other four persons, viz. Barry, Perry, Toopara, and Kumby Poker, by confining them in irons in the common jail for three months, and then bring before me to be discharged; for which this shall be your warrant.

(signed) *T. H. Baber*, Magistrate.

(L. 1.)—To the Magistrate, in the Zillah of North Malabar.

The law officer objecting to the legality of the Circar vakeel being appointed as prosecutor, in cause N° 15, wherein three persons, inhabitants of Mahé and subjects of the government, are charged with being accessary to the kidnapping or theft, and selling as slaves, of nine non-adults, said to be of free parents, natives of Travancore, whilst it appears that these children have parents and other relatives now existing; and the judge being further of opinion, that the case falls under the provisions of Regulation XI. A. D. 1809, whereby it is enacted, that the orders of government are specially required to bring persons, subjects of the Honourable Company's territories, to trial for offences committed by them in the dominions of a foreign state, which do not appear to have been issued in the case in question, the court has declined proceeding to the trial of the case.

The judge deems it further necessary to give it as his opinion, that on the evidence, as it now stands, and facts stated, the conviction of the persons whom the magistrate has brought forward, is absolutely hopeless, since even was the fact of the

the stealth of the children substantiated by legal evidence, it seems impossible to prove, that the prisoners residing at Mahé could have been privy or accessary to a crime committed in Travancore.

Should the magistrate, however, determine to refer the case for the orders of the Honourable the Governor General in council, pursuant to the provisions of Regulation XI. of 1809, above quoted, he may still keep the parties held to bail, otherwise he will be pleased to discharge them therefore.

Given under my hand and seal, at Tellicherry, this 22d day of January A. D. 1812.

(signed) *W. Clephane,* Third Judge.

(L. 2.)—To the Magistrate in the Zillah of North Malabar.

The law officer objects to the right of the person whose name appears as prosecutor, in case N° 8, on the calendar, required from you to be acknowledged in that capacity. He is of the Polian caste, and describes himself as a slave of Eleadutul nambord, and consequently his children, the stealing of whom forms the grounds of the charge against the prisoners, are the property of the said nambordy also.

The nambordry should have been called upon, and have had an option to prosecute the prisoners for stealing or unlawfully obtaining possession of his property to the three Poolian children in question; the judge desires that this may be done without delay, and would suggest to the magistrate the examination of the person mentioned in the declarations of the prisoners by the name of Ooacha Coorp, and who thereby appears to have been an accessory, if not a principal, in the theft; and should the result seem to render it expedient, include him in the charge.

Given under my hand and seal, this 2d day of January, A. D. 1812.

(signed) *H. Clephane,* 3d Judge of C. W. D.

(L. 3.)—In pursuance of the exigence of the annexed precept, the magistrate ordered the attendance of Eleaidatil namboory, but in consequence of his not being found at his house, he fears it will be some days before he can appear. The judge may, perhaps, think his presence now unnecessary, since it would not appear that he had any claims on the children, who by the usages of North Malabar are the property of the owner of their late mother. The magistrate questioned the father of these children in this point, who stated that their mother was the property of Hacapoorata Assins Karunan Ussen Markar; Hacapoorata Assen has come forward, and laid claim to these children, and produced the jelm pramanum of their mother in support thereof; and in his deposition it would appear that he had remonstrated with the prisoner for stealing and putting the koapaie on these children, and that not succeeding in obtaining restoration, he had advised the father to commence the present prosecution. The magistrate has also taken the examination of Oonicha Koorup, who in his turn claims the jelm right of the mother, and by consequence the children; he does not deny that the children were first stolen by Patton Munoo and Cunone Calender; but that afterwards he sold all three to Mangaden Pally, for rupees twenty. The magistrate has in conseqnence included Ooniche Koorup in the charge, and substituted Hacapoorata Assen Cooty as the prosecutor in the room of the father of the stolen childen; the magistrate herewith sends up his further proceedings, and if the judge thinks it still necessary; he will use all practicable dispatch in causing the attendance of the Elleasdada namboory.

Given under my hand, and the seal of the court, this 4th day of January, A. D. 1812.

(signed) *T. H. Baber.*

(L. 4.)—To the Magistrate in the Zillah of North Malabar.

The judge of sessions has received the return of the magistrate to his precept on the subject of Case VIII. on the present calendar.

From what is therein stated, it would appear that the attendance of Elleadata nambory is unnecessary; still there appears much confusion and perplexity in regard to the ascertainment, of whether the mopila Hyeporata chiria assen Cotyon Oonich Caoroop is the proprietor of the three Poolian children. The magistrate will therefore call on Oonicha Cooroop to produce the deed of sale which he asserts was passed to him by the mopilla Mangudawutte ootan in 978, or any other evidence he may have of the children being his property. The magistrate will also

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confront the two claimants, and record the observations they may have to offer on the claim set up by each respectively.

A person named Manguden Patty is ascertained by two of the prisoners, and also implicated in the declaration of the Oonicha Cooroop, as having been an accessory both before and after the fact, in the theft of the Poolian children. The magistrate is required to state whether he has been examined in the case, and why he is not included in the charge.

Given under my hand and seal, at Tellicherry, this 17th January, A. D. 1812.

(signed) *H. Clephane*, 3d Judge.

(L. 5.)—In pursuance of the exigence of the annexed precept, the magistrate called upon Oonicha Cooroop for the deed of sale passed to him by Ootan Pakroo in 978, which he accordingly produced, and which was shewn to the Mopilla Hayaporata Chirria Oossen Cooty, and their separate observations, and the depositions of their respective evidences recorded, all of which documents are herewith forwarded. Mungadan Pally has not been examined in this case for the same reason, that the magistrate did not take the deposition of Oonicha Cooroop, viz. that those two persons were called by the three first *prisoners* as *their witnesses*, to prove that they did not commit the theft with which the prosecutor had charged them, but that Oonicha Cooroop had sold those children to Manguden Pally, and the latter had sent the two first prisoners with Oonicha Cooroop to receive charge of the children from the Cooroop, and had also sent by the third prisoner the children to Cannanore for sale. What was set forth on the prisoner's depositions, did not appear to the magistrate in the light of an implication; and in regard to the declaration of Oonicha Cooroop, that document was taken after the magistrate had sent his proceedings to the Court of Sessions. If, however, the judge is of opinion there are sufficient grounds in those depositions to found a charge against Manguden Pally, of acting and abetting in the crime committed by the other prisoners, the magistrate will proceed against that person accordingly.

Given under my hand, and the seal of the court, this 20th day of January A. D. 1812.

(signed) *T. H. Baber*, Magistrate.

(L. 6.)

Let the prosecutor and witnesses be released from their recognizances.	Have been released.
The prisoners Oonicha Cooroop, Koovian Calender, Pallen Munnoo, Irain Moideen, and Kununporate Pairoo Cooty, may be delivered up to their bail; Mangaden Pally, who has been arraigned and tried with the others, may be admitted to bail; and the following prisoners, who were not tried, as the prosecutor preferred no charge against them, may be released from their bail and discharged, viz. Pally and Massa Chuoonen, Cuntry Parce, and Awenande cuntry Pukur.	Have been delivered to their bail.
	Have been released.
	(signed) *H. Clephane*, 3d Judge.
21st January 1812.	(signed) *T. H. Baber*, Magistrate.

(L. 7.)—To the Judge of Quarterly Sessions.

Previous to releasing the prosecutor and witness, as directed by the judge in his memorandum of this day's date in Case No. VIII. the magistrate requests he will be pleased to inform him, whether the children stated to have been stolen, and to have had the mopla koopai put on them, are to be restored to the persons on whom they were found, or delivered to their father.

Given under my hand, and the seal of the court, this 21st day of January, A. D. 1812.

(signed) *T. H. Baber*, Magistrate.

(L. 8.)—To the Magistrate in the Zillah of North Malabar.

In reply to his reference of the 21st, the magistrate is directed to deliver over the three Poolee children to Hyeprate Cheria Assen Cooty, the prosecutor in case, No. 8. and who, as far as yet appears, is their iremine, or proprietor.

Given under my hand and seal, at Tellicherry, this twenty-second day of January, anno Domini, One thousand eight hundred and twelve.

(signed) *H. Clephane*, Third Judge.

BE it known, That the three children referred to in the annexed precept, have been delivered to Hayaporata Cherria Assen Coaty.

Given under my hand, and the seal of the court, this 22d day of January, anno Domini, 1812.

(signed) *T. H. Baber*, Magistrate.

(M.)—The complaint of Katoti Changara, Ooni Tire, inhabitants of Cunnady Parrum Hobely, in the Cherricul Talook, dated 3 k. Koombhan 987.

On the 22d of Maharom last, while I, with others, went to the ulsohum (fair), at the Canady Parrum Pagoda, two tonies (boats) were brought and stopped at a place where it is not usual for boats to be tied, when the people therein landed and went and stole from me my adunma, Chonanchee, her son Marieton, and two small children; a Poolian, who saw this, came immediately and told me of it; and when I made inquiry, I received information that the Mookestan, Pany Sooby, his nephew, Plera Packey Minichan, Moodeen, Veeran, from Cannanee, Cotan, Tarueeya, and Maivla, Kooran, were the persons who stole and carried them off; on this I wrote to the mookistanmar of Munioor Tura. I pray therefore that my complaints may be redressed.

Sworn to before me, (signed) *T. H. Baber*, Magistrate.

Translated by T. H. Baber, Magistrate.

(N.)—Information of prosecutor, Chakara Khanhan Kindoo, of Polean caste, 35 years of age, adean of Namboodry, inhabitant of Cherical Talook Kalliacherry Babilly Tenety Panah, given before the Magistrate of Zillah North Malabar, on the 23d Tulam 987, or 8th November 1811.

One day, in the month of Markarum 986, the date of the month I do not know, my daughters Parray, Kantraty and Wattachy, were missing; a search was made in several places for them, but they were not to be found. One day, in this month, I saw my eldest daughter, Parray, with a koopayom on her at Pallakandy Moossar's house. I asked Parray where her two younger sisters were? She told me, that Kooman Kallenden and Pallen Menoo had seized and carried them away, and sold them to Aymon Moidpen and Koonomporatoo Packrao Cootly, and she was left by them at Pallakandy Moossar's house; that her two younger sisters were purchased afterwards by Chenkunom Cuntry Parry, and Anaram Cuntry Paiky, who had put the koopay on them, and they were then living with them. I then went to the cutwal's cutcherry, informed the circumstance to the cutwal, who sent for the aforesaid Pallekandy Moossa, and examined him, who said, that Ayom Maideen and Koonampaatoo Packroo Cootly had given them to him; therefore I prefer a complaint against Kunnom Kallenden and Pooliam Mamy, for stealing and selling my three daughters; and against Aymon Moideen Koonomporatoo, Packroo Pallekandy, Moossa Cherekoonom, Cuntry Parriey, and Kemhy Packey, the brothers of Awaran, for purchasing them.

(signed.)

The Court of Sessions having objected to the right of the father of the three kidnapped children to appear as prosecutor, because a Poolian (slave), took the following deposition of their proprietor, when they are adults.

To Thomas H. Baber, Esq. Magistrate in the Zillah, North Malabar.

The complaint of Warpoorate Cheria Assen Cootly, Massulman Mopla, nephew of Hussen Marear, aged 26 years, vakeel in the Provincial Court, inhabitant of Jeoonaad Taloak Tillicherry, Hobilly Hadeeagata Tara.

It having come to my knowledge that Chenicherry, Onicha Cooraap, Mangadawata, Angadi, Kire, Pally, Hillata, Mamod, Canoocarm Pairoo, Cootly, Coomom

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Callenden Aymon, Moideen of Cherical, Talook, Halliasherry Hobelly and Tarva, had stolen and carried off three Poolee children, viz. Panny Cunhatly and Wattachee, who had devolved to me in right of my Hoossen Marear (having purchased the jelm right) and sold them to two moplas at Cananore, who had made proselytes of them, and put coopayums on them; I wrote to them that they had no right to them, and that I would complain against them; that having received no answer, I sent for Chakara Cankan, the father of the children (Adean of Elleadata Tiroombu) with whom they lived, and from whom they were stolen away, and told him I would make a complaint against him, because his children, my jelm property, had been seized and sold, if he did not prefer one, and get the children restored to me; he accordingly lodged a complaint in the magistrate's court, against the aforesaid Moplas of Cannanore, who were examined and committed for trial; but now, understanding that it has been required that the proprietor should come and prosecute them, I pray you will be pleased to send for the aforesaid persons who seized and sold my adiers, and proselyted them, and order their restoration to me, as also to cause the offenders to be brought to condign punishment. Dated the 11th Danoo 987.

(signed.)

Translated, *T. H. Baber*, Magistrate.

The other prisoners say 40 rupees, and they sold all their assain for 58 rupees.

Deposition of first prisoner, Chenicherry Oonicha Cooroop, aged 68 years' saboaren by profession, nephew of Hindoo Ooninoroo of Cherekal Taloak Kalliacherry Hobilly, Arrolly Turah, taken on the 26th Danoo 987, or January 2d, 1812, before the magistrate of Zillah, North Malabar.

In the year 978, I bought of Mangadote Uttan Packroo, mopla, the jelm right of Poole Poongory and three daughters; I received from him the deed of sale on my paying for the same, and kept them in my paddikeel. In 984, the said poongay died, and the aforesaid three children continued serving me; they lived in the same paddikeel, and I paid them their expenses. In the month of Maharum 986, Poongor's husband, Chakarakarrharr came and told me that Wallan Mamoo and Koonen Callenden had come and taken away these three children, saying they were Palangoden Ramen's Adiers, on which I followed them, when Mangaden Pally said, that it was pursuant to Pallangaddon Ramain's desire, that he had seized and taken away these children; when I said, these children were not Pattangaden Ramin's jelm property, that they were mine; that the pramanum was in my possession, which I produced, and thereby convinced Pallangadden Chandoo Ramin and the others that they were not Palangadden's jelm property; at this time Moongadden Pally asked me, whether I would give them to him to work in his paddy field, when I said, if he wanted them I would give them to him, as I was in want of money, and accordingly gave the afore-mentioned three children, Parray, Kanhaty, and Wattachee, to the above-mentioned Pally, passing a pramanum for the same, and received from him 20 rupees. I desired, at the same time, Pally not to take them out of the country, but to employ them in their place of nativity; the reason of my disposing of the said children was, that I had no means whatever to pay the neggady, wherefore I sold them for so low a price. Palakul Chatoo and Melliotoo Edatil Oonama Nambiar know of my having purchased them, and Eddawan Chandoo and Coliatoor Kamaroo know of my having sold them. This is all what passed.

You have said that you gave Pally these children for 20 rupees, did you tell the father of the children (Kanhan) of it?

I told him of it after I had given them to Pally.

How old were those children when you gave them to Pally Mopla?

One was between fifteen and sixteen years old, the other between eleven and twelve years, and the other between eight and nine years.

Is it or is not a grievance to the father of these children to take them out of the country?

Yes; it was a grievance taking his children out of the country. I therefore desired they might not be taken out of the country.

Is it customary to dispose of children who are not able to work, and not more than twelve?

My necessities compelled me to dispose of them, otherwise I would not have done so.

(signed)

Examination of second prisoner, Kunnun Kallenden, taken on the 7th Wreschegun 987, or December 21st, 1811.

Question.—You have heard read the complaint preferred against you by the complainant; did you, in the manner set forth therein, in the month of Makarum 986, seize and sell his three young daughters?

Answer.—Mangadden Pally sent me and Pallen Many with Charicherry Oonicha Cooroop, and desired us to bring the Pooliars that Oonicha Cooroop would deliver to us. We both went with Oonicha Cooroop, and he delivered to us this complainant's three daughters, Parray, Wattachee, and Kanhatty. We took the aforesaid three Poolia children, and delivered them to Mangadden Pally; besides this, I never seized or sold any of the Pooliar's children.

(signed)

Examination of third prisoner, Pallean Mamy, taken on the 7th Wreschegurm 987, or 21st November 1811.

Question.—You have heard read the complaints preferred against you by the complainant; did you, in the manner set forth therein, in the month of Makarum 986, seize these three Poolia children, and sell them to Aymon Moideen and Kannom Paratoo Pakrookootty?

Answer.—I think it was in the 4th Makarum 986, that Mangadden Pally sent me and Kunnom Kallenden with Chenicherry Oonicha Cooroop, and desired us to bring the Poolia children that Oonicha Cooroop would deliver to us. We went with Oonicha Cooroop; and when we arrived at Arolly, the aforesaid Oonicha Cooroop delivered to us from Ettatooritty the three daughters of this prosecutor, named Parray Wattachee and Kanhaty; then we took and delivered them to Mangadeen Pally. Besides this, I never seized any Poolia children, nor have I sold any of them; I don't know to whom afterwards Mangadden Pally sold them.

What time was it that you brought away the aforesaid children?

It was in the day time, at mid-day, that Oonicha Cooroop delivered them to us; at that time we delivered them to Pally.

Have you any witness you wish to be called regarding this business?

Yes, I have Pangan Kallenden, Manaden Kimtry Amen, Paramben Moidien.

When you brought these children, was their father, this prosecutor, present?

No; the prosecutor was not there.

Is the above written agreeable to what you have deposed, or is there any difference?

It is as I have deposed, and there is no difference.

(signed)

Examination of fourth prisoner, Aymon Merideen, taken on the 7th Wreschigurn 987, or November 21st, 1811.

Question.—Did you buy the three Poolia children of this prosecutor, brought by Kunnom Callenden and Paleam Manny?

Answer.—Kunnom Callenden and Palean Manny neither brought to me any Poolia children, nor have I purchased any from them. In 986, one day in the month of Makarum or Kumborn, which I am not certain of, Mangadden Pally purchased from Chenicherry Oonicha Cooroop the three daughters of this prosecutor, for 40 rupees, in the presence of the mookustiamnar of that deshum, and in the presence of Examballa Chandas, and Keeroop, passed a title deed before the aforesaid people to Pally, the children being his own jelm property. I being there at the time, Pally told me to take with me these three children to Cananore to sell them there, and to give him the money. I told him, if he would give me an order and the children, that I would sell them for him, and would deliver him the money. Pally then went to Tattaramtatoo, to the darogah's choway, and got an order from the darogah, which he delivered to me, as also the children, and desired me to shew it to the cutwal of Cananore. I took the said order, and shewed it to the cutwal Pootionta Comapen Nair, who gave me his permission to sell them.

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I sold Paray to Pallakamey Moossa for 30 rupees; Wattachy, to Coontry Parry, for 15 rupees; and Kantrally, to Coontry Packy, for 13 rupees; making a total of 58 rupees, which, when I took and delivered to the aforesaid Pally, he gave me 6 rupees. This is what passed.

What right had you to receive the aforesaid children from Palley and sell them for him, and thus give your agency in such a business?

Because I was present when Palley purchased them. He told me to take and sell them for him, and I thought I could get something for my trouble, I therefore took and sold them.

Is the above written agreeable to what you deposed, or is there any difference?

There is no difference, it is as I have deposed.

Have you any witnesses you wish to be called?

Yes, Chenicherry Kairapen and Pattookaran Moossa.

(signed)

Examination of 5th prisoner, Koonampoorrata Packrookooty, taken on the 17th Wreschigum 987, or November 21st, 1811.

Question.—You have heard read the complaint preferred against you by the complainant Chakara Kamham; did you and Ayumon Moideen together, in the manner set forth therein, seize and sell his three daughters to Pallakandy Moossa Cherakumom, Coontry Parry and Awaralela Kemtry Packy?

Answer.—I think one day in the month of Makarum 986, the date of the month I don't know, at four o'clock in the evening, Mangadden Pally sent for me and Aymon Moideen, and told us to take with us the order of the Kololapaad darogah, which he delivered to us, and the three Poolia children (girls) belonging to this prosecutor, viz. Parray Wattachy and Kantratty to Cananora, and to inform the Cananore cutwall to sell them at Cananore, and to deliver him the money; when he said this to us, we three together took them to Cananore, and shewed the order to Comapen Sherestidar, who was then the cuterate of Cananore, and informed him of the circumstance. He gave us his permission to sell them; we accordingly sold the Parray girl to Pallakandy Moossa for 30 rupees, Wattachy girl to Chenkoonom Cuntry Parray for 15 rupees, and Kantatty to Awarally Cuntry Packy for 13 rupees, making altogether 58 rupees, when we both together took the rupees and delivered the amount to Pally; he gave us six rupees for our trouble.

What right had you to take and sell these children, and to receive money for them?

Pally purchased for 40 rupees the three children belonging to this prosecutor, from Chemcherry Oonicha Cooroop, who passed a selm pramanum (title deed) in the presence of the Mookrestanmow and Cranbatta Chandoo; we were there at that time, Pally gave the order of the darogah, and desired us to take and sell them, thinking we should get something for our labour if we sold them.

Have you any witness you wish to be called regarding this business?

Yes, Kaykadden Dayrapen and Kollookaren Moossanoo.

You said that you had an order from the darogah; where is that order?

I delivered it to the Cananore cutwal.

Is the above written agreeable to what you have deposed, or is there any difference?

It is as I have deposed, there is no difference.

(signed)

Examination of 6th Prisoner, Pally Kandy Mooss, taken on the 23d Tullam 987, or November 7th, 1811.

Question.—Who is the father of these three children that are now before you?

Answer.—I don't know who is their father; I heard that the prosecutor is their father.

What ground has this prosecutor for saying that he had seen his children at Pallakandy Cheguen's house after he had missed them?

Because these three children were seen at my house; Chegerun is my eldest brother; I am the person who purchased them.

Of

Of whom and when did you buy them?
I bought them from Ayonom Moideen and Koonompoorata Packrookoolty, in the month of Mudoonum 986.

How did you buy them?
The eldest I purchased for 30 rupees, and the other Awillila Cuntry Packy purchased; I don't know the name of the person who purchased the other one.

Did you inquire when you purchased the girl to whom she belonged; and was she sold by the consent of her father and mother?
The person who sold her to me, told me that he had purchased her after he had obtained his consent, and if I wanted to buy her, to report it to the cutwal Cutcherry, I accordingly informed the cutwal Cutcherry and paid her price.

What month, and before what cutwall was it that you purchased her?
I purchased her when Pooliorlakamapen was cutwall; I think it was in the month of Mudoonum.

When you purchased this girl, had she then the coopayum on her?
No, she had no coopayum on her.

Then who is the person that put on her the coopayum?
I neither put it on her, nor did I give her the coopayum; she will say who put on her the coopayum.

After you purchased her where did you keep her?
I kept her in my own house.

Have you any witness regarding this business?
Yes, Tavonway Moopendde Kadry Velly Paramby Mamy, Kandattah Cuntry Parrela and Pooltan Poorail Moideen.

(signed)

Examination of 7th Prisoner, Cherekunom Cuntry Parry, taken on the 7th Wreschigum 987, or November 21st, 1811.

Question.—You have heard read the complaint preferred against you by the prosecutor, Chakara Kanhan, did you, in the manner set forth therein, purchase his daughter Wallachy and put on the coopayum?

Answer.—One day in the month of Koombum 986, the date of the month I am not certain of, Aymon Moideen and Packroo Coolty together, brought a Poolie girl by the name of Wallachy, at day-time, about three o'clock, to sell; I told them if the cutwal was made acquainted with it I would buy her; then I went and informed Komapah Sheristidar, who was the cutwal; he gave me his permission to buy her, therefore I gave for the aforesaid Wallachy 15 rupees to Aymom Moideen, and thus purchased her; afterwards, the next day, finding I did not require her, I sold her to Moideen Adjee for 15 rupees; this is what has passed.

Do you know to whom Poolie Wallachy belongs?
Moideen told me he had purchased her from Mangoden Pally.

Have you any witness you wish to be called regarding this business?
Yes, Wallapil Moideen Cootty, and nobody else.

Is the above what you have deposed, or is there any difference?
It is what I have deposed, and there is no difference.

(signed)

Examination of 8th prisoner, Awerallila Cuntry Parky, taken on the 7th Wreschigum 987, or 21st November 1811.

You have heard read the complaint preferred against you by the Poorchakara Canhan; did you, in the manner set forth therein, purchase his daughter Kantraty, and put on the mopla coopayum?

In the year 986, one day in Kumbon or Meenom, which I am not certain of, Moideen brought a Poolie girl at mid-day, with coopayum put on her, for sale; I asked him if he would sell her to me, that I would buy her, but previous to my buying her, that I must acquaint the cutwal Pooliarta Comapen Shuntidar, who was then acting at Cananore, and who gave me his permission to buy her; I then bought her for 13 rupees from Aymon Mordeen, and while she was being in my house, Polia Peans came and took her away.

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Did you ask Moideen from whence he had got her?
No, I did not.

Witnesses, Conjoo Nacquen, Pelloopellay.

Memorandum.—The prisoner is blind; he has not therefore fixed his signature on this examination.

Examination of 7th witness, Poolian Chakaro Canhan, taken on the 21st Danoo 987, or January 3d, 1812.

You have preferred a complaint against some moplas, for having seized and taken away your three children; state to whom the children and their mother belong?

They are all the jelm property of Hoossen Markar Mopla, the uncle Vayapoorate Assen Cootty.

In your country, if a Pooliar marries a Poolee, and has children by her, who will have a right to the children?

The children will belong to the mother, and if the mother dies, they will belong to the father.

You have stated, that some Moplas seized and took away the children; in whose possession were they when they were seized?

I married the mother of the children; since which time I maintained the mother and the children she brought me. It is three years since the mother died, and the children were with me till the day they were seized.

(signed)

Examination of 2d witness, Parry, taken on the 23d Jullam 987, or 7th November 1811.

Who is your father?
My father is this prosecutor.

How many months is it now since you left your father?
I don't know how many months it is.

In what manner did you leave your father?
Moplas seized and took me away; Koonom Kallendea.

What are the names of those Moplas?
Pallem and Mosmoe.

Was it in the night or at day-time, they seized and took you away?
It was in the day-time I was seized at Kapoid, when I went to dig karika (a sort of yam.)

Was there anybody else with you?
We were three or four children together; at that time the Moplas came, seized me and my younger sister; the other children and my youngest sister ran and went to their houses; the moplas followed them, but they only seized and brought my youngest sister.

Did you cry out at that time, or not?
When we made a noise the Moplas beat us.

Who was the person that put on you coopayum?
After I staid at Moossa's house two or three days, women gave me a coopayum, which I put on.

Who put the coopayum on your two sisters?
I don't know.

What is the reason that you did not return to your father?
Because I did not know the road.

Where do you now wish to go?
I wish to go with my father. (signed)

N. B.—The other two children are to be examined on oath.

(signed) *T. H. Baber*, Magistrate.

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(P. 1.)—Extract of a Letter from W. G. Farmer, dated 19th January 1794.

On reference to Mr. Duncan's paper of observations, I find the following clause in the 60th section in regard to the stealing of children or other persons.

As far as I have been able to trace the laws which are provided against this crime by the Mahommedan code, they are as follow :—

1st.—From the book called Room Ultalabum (as pointed out by the Cauzee of Calicut), if any one hath from a place of security stolen away a slave, who is not capable to discriminate, and is young and a stranger, or from another land, such thief's hand shall be cut off, and the same also, if the party stolen be capable of discrimination, but inebriated or asleep, taken by compulsion.

2d.—If any one steal a few child, his hand is to be cut off, which is the ordination for such thefts or stealing committed from a place of security, and that term is taken for a house and the like. Original.

From these premises, I cannot but be clearly of opinion, and therefore recommend it to you, to cause the darogha to revise this trial, and to take some more substantial evidence than has been already adduced, to ascertain the fact; at all events, I could not confirm so lenient a sentence, from the commission of so heinous a crime, and the more particularly, as it should be an object with us to make severe examples of the perpetrators of such inhuman acts, in order to check as speedily and effectually as possible, a disgraceful practice which we know to have so long prevailed in this country

(signed) *W. G. Farmer.*

(P. 2.)—Received the following Letter from Mr. Farmer.

Sir :—I now return the two persons sent by you from Tellicherry, charged with decoying children, and selling them for slaves; they have been found guilty in the Adawlut, and are recommended to be sent to Bombay, from thence to the Andamans; you will therefore please, after flogging them through your bazaar, and making their crime and sentence known, to send them to Bombay, with the accompanying letter relating to them.

I am, Sir, your most obedient servant,

Calicut, 20 April 1793. (signed) *W. G. Farmer.*

(P. 3.)—Extracts from the Commissioners Proceedings,

To Robert Taylor, Esq. Chief Factor of Tellicherry.

Sir :— Finding it asserted by Shamnauth, the principal curegur of the Zamorin, that the practice of shipping kidnapped and other natives as slaves, from the several ports on this coast, is still more or less continued, not excepting even Tellicherry, and notwithstanding the various prohibitions which have been issued against a practice so nefarious, and so destructive and inhuman in whatever light considered. We do therefore (without determining whether or not Shamnauth's belief and consequent report be well or ill founded, though trusting in the latter conclusion, as far as regards your settlement) think it our duty to require your most unremitted attention to prevent any such transactions in time to come; for your guidance, in respect to which you shall shortly be furnished with our more explicit and detailed instructions.

We are, &c.

(signed) *Jonathan Duncan.* *Charles Boddam.*
William Page.

To Jonathan Duncan, Esq. and Commissioners for inspecting and regulating the Province of Malabar.

Gentlemen :—Although we make no doubt that attempts have been made, and will continue to be made, to kidnap and enslave the natives, yet we beg leave to assure you, that we know of no late instance here, and that the utmost care has been taken on our part to prevent such practices at Tellicherry; where such have been detected, the offender has been constantly punished, and the party enslaved restored to their friends, where it has been practicable. We have sometimes had occasion, and with success, to apply to the presidency, whither children who were kidnapped had been sent, and have also returned to Calicut persons accused of this practice, who came up from the southward.

We beg leave to assure you, that bearing the greatest indignation against such inhumanity, we shall be very vigilant to prevent its being practised here.

We are, gentlemen, your most obedient humble servants,

(signed) *Robert Taylor.* *Samuel Ince.*

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(P. 4.)—To Christopher Piele, Esq. Acting Superintendent of Northern Division.

Sir:—We transmit for your notice, the inclosed extracts on the subject of the slave trade, which will of course continue to be the rule of your guidance in estimating the necessity of keeping this traffic under, by all possible means.

We are, Sir, your most obedient servants,

(signed) *James Revett.* *Robert Rickards.*
Thomas Wilkinson.

Mahé, 27th March 1797.

Extract of a Letter from the Government Secretary, dated 14th March 1797.

2d.—On the subject of third paragraph, you are directed to continue to pay the strictest attention to maintain the abolition of the export trade in slaves.

Extract from Honourable Company's Commands to the Honourable the President and Council of Bombay; dated 5th of August 1796.

3.—We are pleased to find, that from the measures pursued by the Malabar Commissioners, so much to their honour, and the orders issued in consequence thereof, an entire stop has been put to this inhuman traffic in the province of Malabar.

(True extracts.) (signed) *R. Rickards,* Secretary.

(2.)—First Sessions 1808, N° 30, on the Calandar Zillah, Tellicherry.

To the Magistrate of the Zillah, North Malabar.

At a Court of Circuit held at Tellicherry, in the first sessions of the year one thousand eight hundred and eight, Kodulum Uhmed was tried for stealing a child, and being convicted of the same, has received sentence of imprisonment to hard labour in irons, for the term of three years, and to receive twenty-four stripes with a rattan.

Now it is hereby ordered, that execution of the said sentence be had done, by keeping the said Kodulum Uhmed imprisoned to hard labour, in irons, for the period of three years, computed from the date of his arrest, and by inflicting on him twenty-four stripes with a rattan; and for so doing, this shall be your warrant.

Given under my hand and seal, this third day of May, in the year 1808.

(signed) *J. Strachey,* Judge on Circuit, D. M.

Be it known, that twelve lashes were inflicted on the prisoner on the 3d of May, and part of the twenty-four to which he was adjudged by order of the judge on circuit, conveyed at the time to the acting magistrate; the remaining twelve have this day been inflicted.

(signed) *H. Clephane,* Magistrate.

9th August 1808.

Be it known, that the prisoner Kodolum Uhmed has this day been set at liberty, his sentence to imprisonment having then expired.

Given under my hand, and the seal of the court, this 29th day of December, A. D. 1810.

(signed) *T. H. Baber,* Magistrate.

(R. 1.)—To John Spencer, Esq. President, and Commissioners for executing the office of Supervisor.

Gentlemen:—A complaint in regard to a slave having been brought before me, and as there are no specific regulations laid down to enable me to form a judgment, I beg leave to submit the circumstances for your opinion.

Mr. Edward Robinson, a settler at Calicut, claims as a slave, a Teah boy, who is entered as a drummer in the Teah corps here. The boy says that he was stolen at the age of six years, by some moplas, and brought into Tellicherry, and sold to a serjeant belonging to a native battalion, whose name it appears was Fife. This person shortly after went to Bombay, and took the boy with him; that shortly before, the serjeant, Ryan, who was lately a conductor of stores in the service, and who between two and three years ago sent the boy down as an attendant upon a daughter of his, who was to remain under the care of Mr. Robinson, at Calicut, from whence about two years ago the boy absconded, (as he says, on account of ill-treatment), and came to the northward, and met with some relations who recognized him, and with whom he had lived ever since. Mr. Robinson's account perfectly agrees with what the boy says, as to his having been bought at Tellicherry, and the mode in which he came into his possession.

I have

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Original.

I have made inquiry regarding the regulations that existed in Tellicherry during the time of the chief and factors, relative to the purchase of slaves, and find, that it was a standing order, that no person could buy or transfer a slave without the parties coming before the chief, and proving how the vender became possessed of the slave; if the proofs were satisfactory, the sale was registered, otherwise the slave was liberated. I also find a letter from the government of Bombay to the chief and factors, on this subject, of which I inclose you an extract, and beg at the same time to inform you, that I have examined the Register of Slaves from the years 1779 to 1792, but cannot find any registry of the slave in question; I therefore beg to be favoured with your orders on the subject, for my guidance.

I am, gentleman, your most obedient servant,

(signed) *James Stevens*, Northern Superintendent.

Tellicherry, 8th July 1799.

(R. 2.)—Received the following Letter from Mr. Clephane, Secretary to the Commissioners.

To James Stevens, Esq. Northern Superintendent.

Sir:—I am directed to acknowledge receipt of your letter of the 8th instant, stating, that the case of the boy claimed by Mr. Robinson, on the footing of being his slave.

The right of the regulation respecting registering slaves, for which you have produced the orders of government, addressed to the chief and factors of Tellicherry, does undoubtedly cancel any claims that Mr. Robinson may have possessed to the boy in question, exclusive of which, the commissioners observe, by a voucher, the general report being a letter from the chief and factor of Tellicherry, in consequence of a reference having been made to them on the subject of the practice which was said to prevail even in Tellicherry, of kidnapping children for the purpose of selling them as slaves, wherein they declare that the utmost vigilance and pains have been constantly exerted by them to put a stop to so nefarious a practice; and that they had in numerous instances been successful in discovering persons in a state of slavery, who had been kidnapped and sold even as far as Bombay, and had the satisfaction of returning them to their families.

As the subject of your reference is a case exactly in point with the declared practice in Tellicherry, even when we had no political interest in the welfare of the country. The Commissioners would have, independent of the first stated reason, without hesitation, have directed the emancipation of the boy in question; after which it is highly necessary for them to repeat their request, that it may take place accordingly.

I am, Sir, your most obedient servant,

(signed) *H. Clephane*, Acting Secretary.

Calicut, 9th July 1799.

Certificate given to Chama Teah, of his Freedom.

This is to certify, That the bearer hereof, Chama Teah, was, about ten years ago kidnapped from his parents in Pynaud, and brought to Tellicherry, where he was illegally sold to a person by the name of Fife; that the same having been made known to the commissioners for conducting the office of supervisor and chief magistrate of the province of Malabar, they have given orders to emancipate him; therefore hereby declare the said Chama, now a drummer in the Teah battalion, to be perfectly free, and that no person has any right or title to claim him as a slave.

Given under my hand and seal, at Tellicherry, this 11th day of July 1799.

(signed) *James Stevens*, Northern Superintendent.

(R. 4.)—Wrote the following Letter to Mr. Robinson.

Mr. Edward Robinson,

Sir:—I have received your letter of this day, in reply to which I have to inform you, that independent of the boy you claim, having been kidnapped from his parents, he was sold in Tellicherry without having been carried before the chief, and the sale of him being registered in the secretary's office of Tellicherry, agreeable to the orders of the Honourable the Governor in council of Bombay, and consequently that the sale is illegal, and that I have, in pursuance of the orders of the commissioners for conducting the office of supervisor and chief magistrate of the province

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of Malabar, emancipated the boy in question, and given him a certificate of his freedom, under my official seal and signature, of which I hereby give you notice, and warn you, at your peril, from giving him any molestation.

I am, Sir, your most obedient servant,
James Stevens, Northern Superintendent.

(R. 5.)—To James Stevens, Esquire.

Sir:—In answer to the commissioner's letter, bearing date the 9th instant, I have to inform you, that the slave boy which I have claimed is regularly registered in the office of Bombay; this certificate I have not got at present, but can procure it by writing to Bombay, and by no means can think of giving up the claim I have on the boy in question, and by his own acknowledgment he is not an inhabitant of Tellicherry, and has been a slave since the year 88 or 90.

I am, Sir, your most obedient servant,
(signed) *E. Robinson.*

(True copies.) (signed) *T. H. Baber*, Magistrate, Western Division.

Tellicherry, July 1799.

N° 39 on Calendar, first Sessions 1808.

To the Magistrate in the Zillah, North Malabar.

Whereas at a court of circuit, held at Tellicherry, before the late John Strachey, Esq. second judge on circuit, on Wednesday, the sixth, and continued by adjournment to Thursday, the seventh day of the month of April, in the year of our Lord one thousand eight hundred and eight, Pooleun Perum, Pooleun Parean, and Pooleun Wyambrun, were severally tried on an indictment for the murder of Powalee, husband of the prosecutrix, Poolean; and whereas on Thursday, the twenty-second day of the month of December, in the year of our Lord one thousand eight hundred and eight, the aforesaid Pooleun Perun, Pooleun Parian, and Pooleun Wyambrun, were by the court of Foujdarry Udawlut, severally convicted of the charge aforesaid, and under a fetwa of Deguti Moghuttuzut and Ookoobut, sentenced to suffer death. Now, in virtue of authority to me directed, it is hereby ordered, that so soon as you shall receive this warrant, or as soon after as conveniently may be, execution of the aforesaid sentence be made and done by hanging the aforesaid convicts, Pooleum Perun, Pooleun Peram, and Pooleun Wyambrun, each and every one by the neck, until he be dead, at the usual time and place of execution, and that you do return to me, attested by your official seal and signature, certifying the manner in which the said sentence shall have been executed, as commanded by section 13 of regulation 8, A. D. 1812. Herein fail not.

Given under my hand and seal, this ninth day of the month of January, in the year of our Lord one thousand eight hundred and nine.

(signed) *B. Hodgson*, Third Judge of Circuit, W. D.

Be it known, that the sentence of death passed on the prisoners, Pooleun Perun, Parean, and Wyambrun, was this day carried into execution.

Given under my hand, and the seal of the court, this eleventh day of January, in the year of our Lord one thousand eight hundred and nine.

(signed) *T. H. Baber*, Magistrate.

To the Third Judge Court of Circuit, Western Division.

Sir:—I have the honour to report, that in pursuance of your warrant, dated the ninth day of January, the sentence of death passed on Pooleun Perun, Pooleun Parian, and Pooleun Wyambran, was this day carried into execution.

The assistant magistrate, who superintended the execution, reports, that the spectators were not more than forty or fifty in number, over and above the guard and police, and that their demeanor was decent and suitable to the awful occasion.

The unhappy criminals seemed much affected, and protested to the last their innocence of the murder for which they were going to suffer.

Appropriate proclamations in the language of the country were circulated throughout the zillah.

I have the honour to be, Sir, your most obedient servant,
(signed) *T. H. Baber*, Magistrate.

(True copies.)

Zillah, North Malabar, 11th Jan. 1809. (signed) *T. H. Baber*, Magistrate.

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Ordered, in consequence, That a letter, of the following tenor, be dispatched to the advocate general.

To the Advocate General.

Sir:—I am directed by the Honourable the Governor in council, to transmit to you the accompanying letter from the judge and magistrate at Tellicherry, with the papers therein referred to, respecting a traffic in slaves which he has discovered in Malabar, and to desire that you will state your opinion, as to the measures which the British law requires to be adopted on the occasion. The report of the judge and magistrate will be taken into separate consideration, in as far as it relates to the regulations of this government.

I have the honour to be, &c.

(signed) *D. Hill*, Acting Secretary to Gov^t.

Fort St. George, 31st March 1812.

Extract, Fort St. George, Judicial Consultations, the 29th May 1812.

Read the following letters from the register of the Foujdary Adawlut, and from the advocate general.

To the Acting Secretary to the Government in the Judicial Department.

Sir:—I am directed by the Foujdary Adawlut, to transmit to you the accompanying extract from the court's proceedings of this date, with the papers therein referred to, and to request you will submit the same to the Honourable the Governor in council.

I have, &c.

(signed) *Edw. Wood*, Register.

Foujdary Adawlut's Register's Office, 3d April 1812.

Provincial Court of Circuit, Western Division.

To the Register to the Foujdary Adawlut, Fort St. George.

Sir:—By the orders of the judges of the provincial court of circuit, I have the honour to submit a report of their proceedings, in virtue of the powers vested in the judges of the court collectively, by the provisions of section 16, Regulation IV. A. D. 1811, in the case of a complaint preferred to them by Mr. Murdoch Brown, an European British born subject, resident in this neighbourhood, where, under the sanction of government, he is engaged in very extensive concerns as a planter, of certain acts on the part of the magistrate of zillah of North Malabar, by which he represents himself as having been greatly injured and aggrieved. The judges are induced to make the reference, not only for the purpose of obtaining the opinion of the court of Foujdary Adawlut, on the orders they have given in the course of the discussion, but as the subject it involves seems to point out the expediency of some arrangement being adopted, which would require the orders of government.

Par. 2d.—In the operations of agriculture and manufacture, on which Mr. Brown is engaged, it appears that he employs, besides hired labourers, a considerable number of slaves or bondsmen, his own property; these are of a description of the inhabitants of Malabar, who are slaves by birth, and by immemorial usages, subject to be sold, mortgaged, or let out to hire, at the discretion of their proprietors. It may be further necessary to state, as it is but slightly adverted to in the proceedings which will accompany this reference, that the plan of forming a plantation, originally suggested by Mr. Brown, for the purpose of trying experiments on the raising of pepper, and other valuable productions, was originally adopted by the Bombay government, about the year 1798, and Mr. Murdoch Brown was appointed to carry it into execution as overseer, for which he received a certain salary. By a stipulation entered into by the said government with Mr. Brown, it was agreed, that should the Honourable Court of Directors at any time disapprove of the arrangement, or of the concern being carried on at their expense, the whole was to be made over to Mr. Brown, who was to reimburse the Company for all expense prior thereto, incurred or laid out upon the plantation, except his own salary as above.

3d.—Mr. Brown was, it is believed, in the year 1804 or 1805, called upon to fulfil the conditions stipulated as above, and since that period the works have been carried on at his own expense, and the property considered as his; though, from circumstances which it is considered unnecessary here to relate, the expense incurred whilst it was carried on in behalf of the Company, has not been reimbursed by Mr. Brown.

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4th.—It is a matter of notoriety, that whilst the concern was conducted on account of the Company, Mr. Brown was authorized to purchase slaves for carrying on the works, such as by the customs and practice of the country were considered as liable to transfer and sale; and it is in the recollection of the judges, that a considerable number of bondsmen who were the property, and found on the estates of a person named Shinoo Putlin, formerly cariakar of the rajah of Koormanad, whose property was confiscated on account of his having gone into rebellion against government, were about the year 1800–1 transferred to Mr. Brown's charge, to be employed on the plantation.

5th.—The petition addressed by Mr. Brown to the judges of the provincial court states, that the magistrate made to him a requisition for a list of such persons as he might have lately purchased as slaves, or admitted on the plantation, with the names of his agents, and other particulars, and at the same time sent a commission, composed of one of the gomastahs of his establishment, and a neighbouring commissioner of law-suits, for the purpose of examining the labourers and slaves employed on his plantation, which he, Mr. Brown, made no opposition to, on the contrary, ordered the whole of the said persons to attend them for that purpose; that the said examination being for that day concluded, twenty persons, of both sexes and different ages, were placed under restraint for the night; that the day following, the commissioners collected together the whole of the persons employed on his plantation, whether slaves or hired labourers, and carried them off early in the forenoon to the commissioner's cutcherry, about three miles distant, where they were interrogated; that some were dismissed, and returned to him, but that a great number (113) of both sexes, and all ages, had been detained, and had not been returned to him at the date of his petition, viz. 24th December.

A. B. 1, 2, 3, 4. B. C.

6th.—The judges having, in consequence of the above representation, called on the magistrate for an explanation as to the grounds of the proceedings complained of as above, by the return made by the magistrate to their precept, it appeared stated, that it having transpired from the examination of some children who had been discovered in the houses of three Mopillas, inhabitants of Mahé, and who stated themselves to be of free-born parents, natives of Travancore, and very recently stolen or kidnapped from their families by various persons, and sold to a person named Wallapillagatha Assum Ally, a native of Mahé, then at Allapy in Travancore, who had sent them to Mahé; and that there were several others, particularly a brother of one of the informants, who had been also kidnapped, and sent from Travancore, and subsequently sent to Mr. Brown's plantation at Anjarakandy. The magistrate had considered it as his duty to cause an inquiry and search to be made on the spot for the children, as above described, and had accordingly nominated one of his gomastahs to be joined by the darogah of the district, and the nearest commissioner of law-suits, as a commission to proceed to the plantation and put certain interrogations to the labourers they might find therein. It further appears stated, that 76 men, women and children, were, in consequence of the result of the said examination, brought into Tellicherry, who all declared or repeated their declaration made to the commissioners before the magistrate, that they had been stolen or forcibly carried away from their country by Mopillas and others, and taken to Anjarakandy. That six of that number were free-born, viz. two Nair boys, aged about eight years; two Tears ditto; a female Tear about twelve, and a Mopilla female about eight, had been stolen within the last six months from Travancore.

7th.—The return to the precept was accompanied by the magistrates correspondence with Mr. Brown, his instructions to the persons deputed by him to make the inquiry aforesaid, and their various reports of their progress, as also the examinations of the persons sent into Tellicherry from Mr. Brown's plantation, as taken in the first instance by the commissioners, and afterwards by the magistrate himself.

8th.—The latter may be classed into three descriptions; viz. first, the six children, who state themselves to be of free parents and natives of Travancore, kidnapped within the last six months; the second, of twelve males and females and four children of the servite tribes, eleven of whom state themselves to have been stolen from their masters, natives of Cochin and Travancore, and sold to persons who carried them to Anjarakandy; the twelfth female Poolie, with her child, a native of Chericul, and slave of the Chericul Rajah, within the last twelve months; and thirdly, of males and females, also of the servite tribes, who state themselves to have been stolen, or forcibly carried away, and sent to Anjarakandy eight, ten or twelve years antecedently.

D. N° 1 to 14. D.

9th.—Copy of the magistrate's return, together with its accompaniments, being such part of his correspondence with Mr. Brown as did not accompany this latter's petition

petition to the provincial court, with the translations of the examinations of the first of the foregoing classes, and an abstract of the examination of the persons of the two latter, which abstract, containing all the material particulars, it is conceived will be sufficiently elucidatory of the circumstances under which they respectively state themselves to have come into Mr. Brown's possession, as also his instructions to the persons deputed by him to make the inquiry, with their reports, are herewith transmitted for the information of the judges of the court of Foujdary Adawlut, as per references noted in the margin.

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F.

10th.—It appears by the above papers, that Mr. Brown, though he would seem never to have acknowledged the legality of the magistrate's act, in having deputed his commission to examine his slaves and labourers, yet made no opposition thereto, and on the contrary caused the whole to be brought before the commissioners; but when on the following day the commissioners were about to carry off the plantation the whole of the labourers employed thereon indiscriminately, that he conceived and expressed much resentment, as stated in the report made by Chatoo Minon, the gomastah, and his colleagues; as Mr. Brown had denied having held the conversations imputed to him in the reports of the commissioner, it is but just, as the magistrate seems to lay considerable stress on that circumstance, to remark, that as the Zillah Gomastah Chatoo Minon only went into the presence of Mr. Brown, the other commissioners could only have derived their knowledge from the former's report of the circumstances stated to have then occurred, which therefore rests wholly on the veracity of this person; a copy of the return made by the magistrate, together with such of its accompaniments as it was judged necessary, and which included the depositions of the persons brought from Anjarakandy to Tellicherry, and there detained, was furnished Mr. Brown for such explanation or observations as he might judge expedient to offer in respect to the matters therein treated of; and as it appeared from the letter of the magistrate to him, dated the 3d January, and which forms one of the accompaniments of the magistrate's return to the court's precept of the 27th December, noticed in the 9th paragraph, that he had offered to restore to Mr. Brown all the persons taken from the plantation, with the exception of the six children, who describe themselves to be free-born natives of Travancore; the judges, in view to obviate the further prolongation of the injury to which their detention was likely to subject Mr. Brown's concerns, recommended his acceptance of the said offer.

11th.—Mr. Brown in the form of a petition replied to the communication made to him, pursuant to the resolutions of the judges, under date the 6th January, which he accompanied by copy of a letter from the former commissioners of Malabar, addressed to the assistant collector stationed at Chowghaut, on which authority he stated, that the greater part of the persons classed under the third description of those taken from the plantation came into his possession. Mr. Brown's petition was also accompanied by copy of a letter addressed by him to the magistrate, dated the 4th January, copies of all which will be found under the number, as per margin.

G. N° 1 & 2.

G.

12th.—The judges observing, stated in the above representation from Mr. Brown, that the magistrate had not returned to him the full number of the second and third descriptions of the persons taken from his plantation; and being of opinion that the magistrate was not justified under present circumstances in detaining any of those descriptions, who were acknowledged to be of the servite tribes, issued a precept to him to restore the remainder of the said persons without delay, as per copy under the reference in the margin.

H.

13th.—The magistrate made a representation to the judges, stating sundry reasons for the expediency of retaining the said persons, who it appeared were those comprehended under the second description, and consisted of twelve males and females, and four children, until the completion of some steps he was taking in order to get into his power the two persons who are represented as having brought them from Cochin to Mr. Brown's plantation.

J.

14th.—The judges, after having received from the magistrate a list of the names of the said persons, accompanied by a further representation on the subject, judged it expedient to enforce obedience to their first precept, for the reasons stated in the extract of their proceedings, under date the 15th January, copy of which accompanies this.

K. L. M. N° 1.

M.

15th.—The judges about this period received a further petition from Mr. Murdoch Brown, stating some particulars which he represents as having been omitted in his former address, as per copy under the reference in the margin.

N.

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H.

16th.—It appearing from the above, that Wallapillagatha Assen Ally, the person who is stated to have sent the six children to Anjarakandy, who describe themselves as free-born, and as having been stolen from their parents in the Travancore country, had returned within the jurisdiction of the magistrate of the Zillah, North Malabar, the judge deemed it expedient to call on the magistrate for a report of such further proceedings as he might have held in examination of the said person, as well as what steps he had taken to verify the statement of the six children, and for the purpose of ascertaining their parents or near relations.

I.
N° 1.
I.

17th.—The magistrate made a return to the precept issued to him in consequence, accompanied by the examination of Hussan Ally, and also some further examinations he had taken in the case of a female Poolee, one of the twelve of the second class, the person who, as was formerly mentioned, described herself as having been kidnapped from the district of Chericul, in this zillah, and carried to Mr. Brown's plantation at Anjarakandy.

O.

18th.—In consequence of the magistrate having in the above return to the court's precept, re-urged his opinion of the expediency of bringing instantly to trial, by directing the government Vakeel to prosecute Assum Ally, and the others implicated as accessories in the kidnapping and stealing of the free-born children, and slaves from the countries of Cochin and Travancore, the judges directed, that the magistrate should be informed, that they saw no additional reason urged to induce them to retract the opinion expressed in their proceedings of the 15th January, that consistently with the provisions of Regulation XI. A. D. 1809, the magistrate could not appoint a prosecutor in failure of the appearance of the parents or relations of the free-born children, and masters of the slaves, nor bring the parties charged in their declarations as being accessories in their kidnapping and theft to trial, without a previous reference to the Honourable the Governor in council, at the same time that there could be no grounds for hesitation as to the case of the female Pooliar, said to have been stolen from the district of Chericul a few months ago, being directly cognizable by the courts established in the province.

19th.—The foregoing brings to a conclusion the interference exerted by the judges on this most unpleasant appeal to their authority.

20th.—From the information obtained by the magistrate, through the children found in the possession of the Mopillas of Mahé (the circumstances which led to their having been searched for, and brought before him are no where stated), it was certainly a duty incumbent upon him to follow it up, and trace to the uttermost, the channels of such an inhuman and disgraceful perversion of the legitimate transfer of acknowledged bondsmen, for the purpose of submitting such information to the superior authority, as might have led to some arrangement in conjunction with the government of Travancore, with which our relations have become so intimately connected, to put a stop to it in future.

21st.—This, the judges are of opinion would have been just as effectually attained, had the magistrate, and which, viewing Mr. Brown as a British born subject, and as such (except in the case of criminal information being lodged against him before the magistrate in his capacity of justice of the peace) not subject to his authority, would certainly have been the most regular as well as moderate course, instead of the abrupt and general notice contained in his letter of the 18th December, which was brought and delivered to him by the very persons who were appointed a commission to examine his labourers and slaves, and who, it appears, were directed to commence on that duty without waiting for the information thus called for, addressed Mr. Brown in the first instance, and communicated to him the information he had received, on the grounds of which there was such strong reason to conclude, that there had been lately introduced into Malabar as slaves, persons of free birth, and sold into slavery by persons of their own country to natives of Malabar, and that sundry slaves of this description had come into his hands in the course of transfer, and were then actually upon his plantation, and required him to furnish a list of the slaves he might have lately purchased, together with other particulars. It is highly probable that Mr. Brown would have complied, or had he refused, measures might have been taken to have induced either his voluntary obedience, or the same might have been enforced by legal process, which the magistrate, as justice of the peace, had fully in his power to call into action.

22d.—The mode pursued in the first instance, and continued throughout the investigation into the circumstances under which the whole of Mr. Brown's slaves came into his possession, appear to the judges in the highest degree irritating and oppressive; and in the instance of the greater part of the slaves, the act by which

it

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it was concluded, in depriving Mr. Brown of the valuable services of such a number of the most expert of his hands, on the grounds of the persons themselves having declared, that at various periods of eight, ten, and twelve years ago, they had been taken by violence from their masters, is not more an illegal and harsh, than a wanton and unnecessary exertion of the authority confided to the magistrate for very different purposes.

23.—The inutility of having taken away and detained these persons has been strikingly apparent, and is virtually acknowledged by the magistrate himself, since, after having kept them for a period of seventeen days, (reckoning from the day of their having been taken from the plantation,) he voluntarily offered Mr. Brown to restore them; and to as late a period as the judges have had any communication with the magistrate on this subject, which is the 4th January, the date of his return to their precept of the 27th December last, no claimant has appeared, though it is believed every means were used to promulgate the information of the actual situation of those persons, and a view opened to their former masters of the recovery of their property.

24.—The magistrate seems to be impressed with an idea that Mr. Brown's purchasing slaves of any description is in violation of the Act of the British legislature abolishing that traffic. The judges are not prepared to offer an opinion, whether the provisions of the said Act extend to the country, or include in the prohibitions the purchase and sale of this class of the inhabitants, which are to be found throughout India, who by immemorial usage are considered as bondsmen, the property of individuals, liable to be sold in the same manner as other property. Supposing this point to be ascertained in the negative, there can be no impropriety in Mr. Brown's furnishing himself with labourers of the above description. The only circumstances under which he might be liable to incur blame, are the giving a general commission to persons residing in a distant and foreign country to make such purchases, without laying them under the strictest injunctions, and using every practicable precaution to guard against these agents affording, by their facility in purchasing such as might be offered, without strict inquiry and respectable reference, an encouragement to theft of the property of others, and, what is infinitely more criminal, the enslaving of persons of free condition.

25.—Mr. Brown denies, in opposition to the declaration of his mercantile agent, Assin Alley, that he gave this person any commission to purchase slaves for him in Travancore, and asserts, that the six children found on his plantation were not considered by him as his property; that the purchase of and sending them to work on his plantation was solely the act of that person, and that he never considered them in any other light than labourers sent to work on his plantation, where there is always occupation for persons of all ages.

26.—It cannot lead to any satisfactory end to investigate and decide upon the opposite assertions of Mr. Brown and his agent. The most essential point is to introduce some regulation into this and the adjoining province of Canara, into both of which it is very apparent that numbers of the inhabitants of Travancore have been introduced in a state of slavery, and but too often reduced to this situation by every criminal means, to put a stop to such traffic, against which there does not seem to exist at present any regulations.

27.—But unless the Travancore government will adopt and carry into strict execution the necessary regulation to prevent its subjects being exported as slaves to other countries, no check that could be established on our part on their importation into these districts could be attended with such complete and full effect. By the declaration of Assin Alley, in his examination by the magistrate, it would seem as if the late transactions, in which he and others appear to have been deeply engaged, had attracted the notice of the government of Travancore, and led to the enactment of an ordinance, that no subject of that government, whatever may be his condition, shall be sold as a slave for the purpose of exportation, or be actually exported as a slave. Were this ascertained to be the case, it would be very easy, and certainly consistent with the pure and humane principles of European governments, to mark our disapprobation of this traffic, which, even limited to the sale of those who are bondsmen from their birth, is very exceptionable, by affording our aid towards the enforcement of this rule, in declaring liable to heavy fines all persons, subjects of government, concerned either as principals or accessories in the importation into the Honourable Company's territories on this coast, as slaves, of natives of the districts of Cochin and Travancore.

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28.—As Mr. Brown, in his petition of the 4th January, has made an appeal to the judges for their testimony, as to the manner in which the bondsmen on his plantation are treated, the judges have no hesitation in stating, that from what has fallen under their personal observation and information from authentic sources, that description of his servants are, in respect to food, clothing, and lodging, incomparably better provided for than the same class, bondsmen to the natives of Malabar, and enjoy comforts, but little, if at all, inferior to the lower class of the labouring part of the community.

I have, &c.

(signed) *J. H. Pearson*, Register.

Tellicherry, Provincial Court, 9th March 1812.

(A.)—To the Third Judge, in the absence of the Register.

Sir:—I have to request you will inform the judges, that it has transpired in some proceedings held before me, that a considerable number of children (for the most part kidnapped) have been lately imported in this zillah from the adjoining districts, but principally from Travancore, from whence they have been sent by Wallapelagata Assun Ally, part to Mahé and part to the Anjarakandy plantation; and that such of them as I have examined are children of Teans, and one even a Shoodra Stri. In answer to a call upon Mr. Brown for a list of his slaves, and the names of the agents he employs to purchase them, he has refused compliance therewith, and has since informed me that he has the authority of the Bombay government; and further, that the sale of slaves is not only authorized by the custom of Malabar, but is expressly permitted by the Mahommedan law under which this country is governed. Whatever may be the usage of Malabar on the Mahommedan law on this question, I should not suppose that it could apply to Mr. Brown, who, I apprehend, in common with every British subject, is prohibited from purchasing slaves from the period when the slave trade was abolished by an Act of Parliament. As, however, I am desirous of availing myself of the experience and knowledge of the judges on this question, and regard to the rules which have been in force from the early part of the administration (when I am informed trafficking in slaves was very prevalent), until the transfer of Malabar to the presidency of Fort St. George, the extent to which the trade was tolerated by the government of Bombay, and the nature of the authority granted to Mr. Brown, I have taken the liberty to apply to you, and through you to the judges, for any information you or they may be pleased to favour me with on these subjects; or if this would be attended with any inconvenience, that they would assist any inquiries, by directing me to those periods of the former administration, when I might, by a reference to the records here or at Calicut, inform myself thereon.

There being no copy of Mr. Duncan's report on the records under my charge, I shall be obliged by the loan of the copy in the provincial court.

I have, &c.

(signed) *T. H. Baber*, Judge and Magistrate.

Zillah, North Malabar, 23d Dec. 1811.

Provincial Court, Western Division. (L. S.)

To the Magistrate in the Zillah of North Malabar.

C. Pursuant to an order of this court, you will herewith receive an extract from their proceedings under this date, together with the document therein referred to; you are hereby required to conform to the court's orders, making your return within five days from the receipt hereof.

Given under my hand, and seal of the court, this twenty-seventh day of December, in the year of our Lord 1811.

(signed) *H. Clephane*, Third Judge, for the Register.

Extract from the Proceedings of the Provincial Court in the Western Division, under date the 27th December 1811.

The third judge, officiating for the Register, lays before the judges a letter, addressed to him by the magistrate in the Zillah of North Malabar, stating, that from information obtained by him in the course of some proceedings held before him, it appeared

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appeared that a considerable number of children (for the most part kidnapped) had been lately imported into the Zillah, North Malabar, from the contiguous districts, but principally from Travancore, sent from thence by a person named Wallapilagata Assin Ally, and that some thereof had been sent to Mr. Brown's plantation at Anjarakandy, and others to Mahé. The magistrate further states, that such of the said imported, kidnapped or enslaved children, as he had examined, proved to be children of Teans, and one even a female Soodie. That in answer to a call on Mr. Brown for a list of his slaves, and agents he employs in the purchase of them, that gentleman has refused compliance therewith, and had since informed him, that he had authority from the Bombay government, and also, that the traffic in slaves was not only authorized by the customs of Malabar, but that it was expressly permitted by the Mahommedan law.

The magistrate remarks upon this, that he conceives that Mr. Brown being a British subject, is prohibited from purchasing slaves under the operation of the Act of the British Parliament, abolishing that traffic, and requests to be furnished with any information the judges of the court of circuit may be in possession of in regard to the rules in force in respect to this traffic, from the early part of our administration in Malabar, and the nature of the authority granted to Mr. Brown by the Bombay government, as quoted by him.

The court further take into consideration a petition presented to them on the part of Mr. Brown, setting forth, that the magistrate of the Zillah, North Malabar, addressed a requisition to him, calling upon him for information, as to whether he had made any late purchases of slaves, and if so, to furnish a list of their names, castes and sex, and of the agents employed to purchase the same, grounding the requisition on information which the magistrate stated he had received, that a considerable traffic has been carrying on in the sale and purchase of children, between persons in the Zillah, North Malabar, and the adjoining districts. The petitioner states, that the person who brought the letter, assisted by some of the native officers of the local cutcherry, caused to be assembled, and put interrogatories to the whole of the slaves employed on his plantation, and that being concluded, placed about 20 of them of all descriptions, under a guard; on the next day, the whole were carried off; that some of those so carried off, had subsequently returned, but that a considerable number had been detained for reasons with which the petitioner is unacquainted; petitioner states, that he had declined complying with the requisition alluded to, on the grounds of his conceiving the magistrate not justified in interfering in his private concerns, and as he had not thought proper to communicate to him the particulars of the information on which he grounded the demand. Petitioner justifies his having purchased persons of those classes, who are born and considered as slaves, and which, he says he is warranted to do, both under the authority of the Bombay government, and subsequently, under an opinion given by the Madras government, on a reference made by the principal collector. The petitioner prays for the interference of the judges of the court of circuit, in protecting him in his property, which he has, as above stated, been unjustly deprived of.

Before the judges of the court of circuit can either reply to the queries of the magistrate in the Zillah of North Malabar, or take cognizance of the facts stated in the petition from Mr. Murdoch Brown, it is requisite that they should be in possession of the whole of the proceedings hitherto held in the matter in question by the magistrate, commencing with the information on which he has set on foot the inquiry into the circumstances of Mr. Brown's slaves and labourers, and detailing the proceedings he may have held, and on the grounds of which he pronounces to have ascertained, that part of the children lately imported into the Zillah as slaves, are of free parents, and even of the superior classes; and in order to save time and further reference, that he be called upon to state at length the grounds on which he may have detained the persons taken from Mr. Brown's plantation, and who are stated not to have been sent back.

Ordered, That copy of the above minute be sent to the magistrate, together with a copy of the petition from Mr. Murdoch Brown (the magistrate being in possession of the accompaniments alluded to therein), and that he be directed to furnish the judges of the court of circuit with the report thereby required within five days from this date.

(signed) *H. Oliphant*, Third Judge, for the Register.

(A true extract.)

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N° 2. D.

Mr. Baber, Magistrate in the Zillah, North Malabar, to Mawilla Kannon, Darogah of Cotioti.

It having come to my knowledge, that certain children have of late been brought from the northward and southward, and sold and purchased, and that some such children have been brought to Anjarakandy, you are required immediately, on the receipt of this order, to repair to Anjarakandy, wait on Mr. Brown, and deliver the inclosed letter to him, and call to your cutcherry all the people brought and kept at Anjarakandy, and working there, put to them the questions contained in the accompanying form, and send down to court all those which are not of the servile class, and such of that class as may declare themselves to have been brought and kept against their wills, as also, the persons who may have brought them, for the purpose of putting the questions contained in the accompanying form; Chatoo Menon and two delayuts are sent from the court; an order has been sent to Marayan Chandoo to give his assistance; 5th Dhunoo 987.

P. S.—Koonjiy Changoran, the boy, who on being questioned here, stated that his brother Nathan was at Anjarakandy, is now sent for the purpose of pointing him out.

(signed) *T. H. Baber*, Magistrate.

Report of Chatoo Menon to Mr. Baber, Magistrate in the Zillah of North Malabar.

N° 3. D.

Having repaired to Mr. Brown's house at Anjarakandy, delivered him the letter, and stated matters to him, his labourers were all sent for, and being examined, three females and five males from Allepy, and six males and six females from Cochin, brought in munjoos, have been kept separate. There are others also brought from different places apparently some few years ago. Matters are now in suspense, in consequences of objections made to their being taken to the cutcherry for the purpose of examination, it being alleged that there was no order received (by Mr. Brown) for the purpose; and that, if I had orders to take them away by force, I might do so. I think, if they are examined here, it will not answer; I therefore request orders may be sent me immediately, as to how I am to act in the business.

7th Dunoo 987, 12 Meredian. (signed)

(True copy.) (signed) *T. H. Baber.*

Order to Chatoo Menon, from Mr. Baber.

N° 4. D.

I have received your letter, and understood the contents. You should immediately forward to the magistrate's court the fourteen slaves brought from the southward.

2.—You should take the remaining slaves to the cutcherry of the commissioner at Randatarra, which is contiguous to Anjarakandy, and examine them there. If you find any brought as slaves, or any brought by force, you should immediately send them to the courts, as also the daily proceedings. Those who were not seized, and those not slaves, should be returned immediately to their works. If there is any occasion to bring such persons into court, you will receive orders for so doing. Besides, I send you twenty rupees for the expense of the slaves, to whom you should afford subsistence until the examination is over.

7th Dhunoo 987, M. S.

To Mr. Baber, Magistrate in the Zillah of North Malabar.

Report of Chatoo Menon.

N° 5. D.

I have received this morning at ten o'clock *a. m.* the letters, and perused the one to me. When I delivered the English letter to Mr. Brown, that gentleman, after reading it, said that he would not permit any of his servants to be carried away; that he would not consent, and that he protested against their being carried away, that if they were taken notwithstanding, he would lose no time in demanding the reason; that Mr. Baber had often endeavoured by various means to take vengeance of him, but in vain; that Mr. Baber tried his utmost endeavours to procure Mr. Brown's dismissal, and appropriate to himself his salary in the customs, but that Mr. Baber has been unsuccessful; that Mr. Brown himself had got 8,000 rupees, and which was all that Mr. Baber could do to injure him, and that, on the present score, nothing

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nothing would happen to Mr. Brown; that these things were not conformable to the regulations, and that Mr. Baber has only written, that he has merely order for it; and that, having made a reference on the subject to the gentlemen, his friends, at Tellicherry, Mr. Stevens and other gentlemen, sent him an answer, that nothing of the kind was in the regulations; that the steps taken were not conformable thereto; that there was no order recently received to act in this manner, and that he has received orders, both from the presidency and from Mr. Warden, to procure servants by proper means. Besides which, Mr. Brown said many other things; whereupon we informed him, that we could not but immediately execute the commands of Mr. Baber, and accordingly at twelve o'clock this noon, we set off with all the Tiers, Wittowars, and Pooliars, which we could find there, and took them, agreeably to orders, to the commissioner's cutcherry at Irwery, and on counting them we found, including children, 251, out of which we examined those that were purchased, and those that came of their free will, to the number of 147, and sent them by two mookistans and kolkars to Mr. Brown. The examination of the remainder not being finished to-day, I gave them for their expense, and kept them here, as there appears many persons seized and brought from various districts; as soon as their examinations are over, they will be sent with their examinations to the court.

(signed)

8th Dhanoo 987, M. S.

(A true copy.) (signed) *T. H. Baber*, Magistrate.

Order to Chatoo Menon, from Mr. Baber.

N° 6. D.

I have received your letter, and understood the contents. You should, agreeably to the direction you received, together with the commissioner, execute the orders with mildness. Besides, in the letter written to me by Mr. Brown, he says, that you forcibly, with armed followers, seized the children, and exposed them to the heat of the meridian sun; you should not do so, neither give any improper answers to Mr. Brown.

9th Dhanoo 987, M. S. at 10 o'clock A. M.

P. S.—Besides, you should only send in those slaves who have been seized improperly, and by force, and those of other castes; all the rest should be immediately returned.

(signed) *T. H. Baber*, Magistrate.

Report of Pamkarwitil Chatoo Menon to Mr. Baber, Magistrate in the Zillah of North Malabar.

N° 7. D.

To-day, at six o'clock in the evening, I received the order written at ten o'clock in the morning. Mr. Brown represents certain circumstances as appear stated in the order. We did not either go to Mr. Brown's house with arms or kolkars, or forcibly bring away the families, and expose them to the heat of the sun. Besides taking their answers in the customary manner, and with mildness, I did neither speak nor act in opposition to custom. The circumstances first occurred are herewith written.

On the 7th instant, at ten o'clock in the morning, I went to Mr. Brown's house at Anjarakandy, and caused the kolkars to stand at a distance, and, agreeably to the orders, I, the commissioners, Menon, and two delayuts, went to the gentleman's house, and stopped outside for awhile; but not seeing the gentleman, and being informed he was at the place where the arrow root is refined, we repaired thither, delivered him the letter in the usual manner, when the gentleman went up stairs and told me that I should come up, and the remaining persons stay below. When I ascended the gentleman said that he would assemble all the slaves, and that the examination must be held in his presence. When we said that we had no such orders, and reported this to the court, and remained quiet until ten o'clock on the 8th, when we got an answer, and immediately it arrived at 12 o'clock, we brought them to the Irwery cutcherry; at that time the Poley women brought with them their sucking children.

When we requested Mr. Brown to permit the slaves to come before us, he said that he would not do it, and that he could suffer no greater insult than what he had already experienced. On his saying this, we brought away all the servants, agreeably to orders, and placed them in the lower part of the cutcherry, and under the

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shade of an allee tree, and with mildness examined each of them; and as they were concluded, in order not to interrupt the work, we sent them back by mookeastans and kolkars, and asked them particularly if they had brought any tools; those which were found were sent along with them, and the remaining persons remained in comfort, and we are continuing the inquiry. As there are many persons to examine, we are working day and night; and as the slaves are ignorant and without ideas, it takes much time to make out what they say. To-day, as we found thirty-six persons, both purchased and came by their free will, they were sent by mookeastanmar, when Mr. Brown said in anger to the kolkars that he would not receive them, because they had not been sent by him; and that if they had been taken from the estate, they might still be kept away. He had lost in consequence of these steps, nelly pepper, cocoa-nuts, plants, and other articles, and that he would seek restitution at the hands of those who occasioned it. The mookeastans and kolkars having left them at the place whence they were taken, returned. Further, as we saw seventy and odd persons kidnapped from the southward, some of them have been examined, and will be sent to-morrow, along with their examinations, to the court. It occasions delay to ascertain the truth, and to send with them their examinations. Among those examined, and sent back to Anjarakandy, two had been formerly punished, one with twenty-five stripes, and the other with twenty-four. As they said they were aggrieved thereby, I expect your orders on the subject. Besides which, from among those brought from the southward, Mr. Brown has kept at his house one Pooley woman, and another Parrey. On this I also expect your orders.

9th Dhanoo 987, at night.

(signed)

(signed) *T. H. Baber*, Magistrate.

N° 8. D.

Report of the court officer, Pamkawictil Chatoo Menon, the commissioner of Randatarra Marian Chandoo, and the Gomastah of the Cotioti Darogah Chowdry, Addawahat Ramen Menon, to Mr. Baber, magistrate in the Zillah of North Malabar.

Many persons being seized and brought to Mr. Brown as slaves, agreeably to your orders, on the 7th instant, at 10 o'clock in the morning, we took to Mr. Brown's house at Anjarakandy the English letter to his address, and the order and proclamation sent us from your court, making the kolkars stand at a distance; we with two delayuts stood for a while outside the gentleman's house; but as we did not see him, we inquired and learnt that the gentleman was at the arrow root manufactory; we repaired thither and delivered him the letter, and as the gentleman returned to house we followed him, and when the gentleman was ascending the bungalow, he said, "Let Chatoo Minon come up stairs, and the remaining persons remain below." Accordingly Chatoo Minon went up to the western room, to the gentleman's office, when he opened the letter, took his spectacles and perused the letter, and said that he would produce all the slaves, and that an inquiry should be held in his presence; whereupon we replied that we had no such orders. When the gentleman was assembling the slaves, as we observed 20 persons, including children, recently brought from the southward, we separated them immediately, which circumstance Chatoo Minon reported to the court, and took the names of the slaves seen there on that day. We stopped there that day. On the 8th, as we received an order in answer, that we should assemble all the servants of Mr. Brown at the nearest cutcherry, viz. Irwery, and put to them questions mildly, and that, with the exception of the servants seized, all other servants should be returned, in order not to interrupt the gentleman's works; and the answer being accompanied with an English letter, Chatoo Minon took it to the gentleman in the bungalow and informed him, that he had orders to send away all the servants. Mr. Brown, after reading the letter, said to Chatoo Minon, that he would not allow any of his servants to be taken away; that he did not consent to it, saying, "Do not take them away, I protest against it;" adding, that if we took them contrary thereto, he would demand the reason, and that within four days. That Mr. Baber had often endeavoured to wreak his vengeance upon him, but without effect; that Mr. Baber had used his utmost means to deprive him of his pay in the Custom House, and procure it for himself, but without success; that he himself, by means of his friends, had got 8,000 rupees; and as to the present case, that it would fall to the ground in the same manner; that the steps taken were not agreeably to the regulations, but it was only said that Mr. Baber had orders for it; and that having written to the gentleman, his friend

at

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at Tellicherry, he was informed by Mr. Stevens and other gentlemen, that no such acts were provided for by the regulations, and that no recent orders had been received for acting in this manner; besides he has sufficient authority both from Madras and from Mr. Warden, for purchasing servants. When Mr. Brown said all this and other particulars, Chatoo Minon answered, that he had no occasion to mention all this to those who had merely come to execute the orders which they had received, and that we know nothing of the above-mentioned affairs, and that we could not but execute immediately the commands of Mr. Baber; and in pursuance to those orders we collected all the servants we saw, and set out at 12 o'clock, when the women (Poolears) brought with them their suckling children; we took them to the commissioners cutcherry at Irwery, and placed them below the cutcherry, and under the shade of an allu tree which was contiguous thereto, and gave each of them a green cocoa nut. Their number amounted to 260 persons, including children; and on an investigation we found 147 persons, both purchased and who had come by their free-will, whom we asked, before the mookeastamar, if they had brought any working tools with them, and if they still possessed all they had brought. They said that they had all they had brought; whereon, at 5 o'clock in the evening, we dispatched them to Mr. Brown, accompanied by two mookeastans and kolkars. To all the rest we gave for their expenses, and continued the investigation, and found 23 more persons of the above-mentioned description, which we sent on the 9th, at 1 o'clock, with their tools, under care of the mooheastans and kolkars; and that day, at 4 o'clock, 13 more persons, altogether 36 persons, we sent to Mr. Brown, who then said, in anger, that he had not sent any person off the estate; that, if any had been taken, they might remain away; that he could now suffer no additional insult; that he had, in consequence of what had been done, sustained a loss in nilla, pepper, cocoa-nut plants, and many other things, to a large amount; and that, if he could, he would have it made up to him; that he would write against Mr. Baber in every direction. The kolkars and the mookeastans returned and told us they had left the slaves at the place from whence they had been brought. Afterwards, upon an inquiry, we found 77 persons who had been kidnapped, seized by force, and had their caste changed. These we examined before the mookeastans, and took their declarations in writing, and sent them to the court at three different times. A male child of Odaloor Chakee, aged within two years, being formerly sick, by which he suffered the loss of his sight, died on the night of the 10th, in the cutcherry, in consequence of the said sickness. The said Chakee was detained in consequence of her having shewn a desire to represent in court, that she was brought by force. This is what occurred.

(signed) *T. H. Baber*, Magistrate.

12 Dhanoo 987. M. S. 25 December 1811.

(N° 9.—D.)

Questions put to Kristnen, under date the 8th Dhanoo 987, or 20th December 1811.

Question.—Where is your country, what is your caste and age?

Answer.—I reside at Manapally Wawoowaoo to the southward; I am a Shooder, aged about eight years.

Who brought you here?

I was seized by Kackolakun Chukoren Metoo Mopla, and sold to Atranykaha, who delivered me over to the boatmen for the purpoze of conveying me to Mahi; the boatmen embarked me in the boat and brought me to Mahi, whence a mopla took me to bangsaul at Anjarakandy.

Of what caste are you now?

I became a Pooliar.

At what place was you introduced in the Pooliar caste?

At the bangsaul of Anjarakandy.

What are the names of your father, mother and uncle?

My father is called Koonhy, and my mother Ittyma; the name of my uncle is unknown to me; he is dead.

Did your house people know of your being seized?

No.

Is there any of your relations among these people?

There is none here, they are in the country.

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How many months is it since you was brought to Anjarakandy?
It is four or five months I believe.

(signed)

Witnesses, Kooteatoor Numbar, Monalil Pooher.

Mem:—The aforegoing examination having been read over to the deponent before the magistrate, he declares that his former name was Kristnin, and that it is now changed into Changrow; and that on a certain mid-day two or three months ago, having been desired by his mother to go and fetch some fire, that he was caught on the road by Chikren Metra Mopla, who kept him shut up in his house for three days, when one night he was taken to Allapi and sold to Assen Allykaha, who sent the deponent to Mahi, and thence carried to Anjarakandy and placed among the Pooliars, and that he had not prior to that period associated with Pooliars, and prays that he may be returned to his country, and restored to his caste.

(A true copy.) (signed) *T. H. Baber*, Magistrate.

N° 10. D. Questions put to Raminunder; date the 8th Dhunoo 987, M. S. on 20th December 1811.

Question.—Which is your country; what is your caste and age?

Answer.—My country is Southern Kaimgolan, of Shooder caste; I think I am eight years old.

Who brought you to this place?

I was seized and brought in a boat by moplas; I am ignorant of their names; I think it is about two months ago.

What are the names of your father, mother and uncle?

My father is called Kristen, my mother Jaddy Chabu, and my uncle Kochoo Kunhen.

Did your house people know that you were seized?

No.

Is there any of your relations among these people?

There is none among them, they are in the country.

Of what caste are you now?

I am of the Pooliar caste.

Who introduced you in the Pooliar caste?

Ever since I was brought to Anjarakandy, the young gentlemen asked me in the bangsaul, whether I would take my food with the Pooliars, when I said I would not eat among the Pooliars; but he said again, that it was of no consequence, that I should eat with them; I accordingly took my food with them.

(signed)

Witnesses, Kooliatoor Nambra, Manalib Pockra.

Mem.—The afore-mentioned examination when read over to the deponent before the magistrate, he said, that as he went to play with five or six boys who were feeding cattle, he was seized by two moplas and taken to Allopi at night, and given to Assun Ally, who embarked him in a boat and sent him up to Mahi, thence to Anjarakandy, where he was caused to feed with Pooliars, and that formerly he ought to wash when defiled by Pooliars, and that he has no inclination to return to Anjarakandy, and that if he might be restored to his caste, he would wish to return to his country, and that his house name is Tekeddata.

(A true copy.) (signed) *T. H. Baber*, Magistrate.

N° 11. D. Questions put to Pelamachee (female), under date the 8th Dhanoo 987, or 20th December 1811.

Question.—Which is your place of residence; what is your caste and age?

I do not know my country; I am a Moplachee, but now I am made a Poolichee; aged about six years, I believe.

What is the name of your father, mother and uncle?

My father's name is Oopa, and my mother Ooma; I don't know my uncle.

When did you come here, why, and in whose company did you come?

I know nothing about it; I was kidnapped, embarked in a boat, and brought thither.

Have you any family?

I have my house and family, and I was stolen without their knowledge.

Who

Who introduced you in the Pooliar caste.

When at Anjarakandy I was desired to eat with Pooliars, and as I am a child, I eat with them.

(signed)

Witnesses, Kooteatoor Nambra, Manalib Pachra.

Mem.—On reading over the above mentioned examination to the deponent before the magistrate, she says that her real name was Sulamatra, and that it is changed now into Choichee; and that her country is Kaimkolata; and that it is two or three months ago, one night she was seized at her own house, and carried by moplas, embarked in a boat, and taken to Mahi, thence she was taken to Anjarakandy, and made over to the gentleman who introduced her among the Pooliars; and that she does not know the names of the moplas who seized, or of those who sent her here.

(A true copy) (signed) *T. H. Baber*, Magistrate.

N° 12. D.

(N° 12. D.)—Questions put to Tien Nathan, on the 8th Dhanoo, 987, M. S. or 20th December 1811.

Question.—Which is your country, and what is your caste, your house-name and age?

Answer.—My country is Karanopoly, my name is Nathan, and my house-name is Karootiel, of Tien caste. I think I am eight years old.

What are the names of your father, mother, and uncle?

My father is Koonken, my mother Nanika, and my uncle Kochata.

When, in whose company, and why did you come here?

While I was feeding cattle, moplas came and seized me, and wrapped up my mouth with cloth, and the mopla Assum Ally embarked me in a boat at Allapi, and at night-time brought me to Mahé, whence I was put on board a boat, and taken to Anjarakandy.

Did your family know of it?

None of them knew it; when kidnapped and brought in so remote a place, nobody will know it, now my caste is changed into that of Pooliar.

How many persons were embarked in your company?

Two Ayapens and one Kally were embarked in my company; it is about two months ago.

Where was you introduced in the Pooliar caste?

It was the young master who introduced me in the Pooliar caste, at Anjarakandy.

Witness, Koonatoor Nambra Manalib Pookra.

(signed)

Mem.—On being asked before the magistrate, the deponent declared, that the examination was correct. On asking him the names of the moplas that seized him, he says, that one of them is called Cooha Bapoo, and that he knows not the names of the other; he prays to allow him and his brother Changara to return to his country, and says, that his brother was kidnapped in like manner as himself, and that he saw him at Mahé.

(A true copy.) (signed) *T. H. Baber*, Magistrate.

N° 13. D.

(N° 13. D.)—Questions put to Kristy Kaly (female), on the 8th Dhanoo 987, M. S. or 20th Dec. 1811.

Question.—Which is your country, what is your caste, your house-name, whose slave are you, and what is your age?

Answer.—My country is called Paroor, and to the southward; my caste is Tiety, I am not a slave, but now I am turned a Pooliar, aged about twelve years.

What are the names of your father, mother, and uncle?

My father is Ananden, my mother is Kally, and my uncle Khuny Chay.

When, why, and in whose company did you come to this place?

It is about two months ago, that one night moplas came and seized me, and took me to Allapé; thence I was embarked in a boat, and taken to Mahé; whence again I was embarked, and was carried to the Anjarakandy bangsaul.

Where was you introduced in the Pooliar caste?

It was the young gentleman of the Anjarakandy bangsaul that introduced me among the Pooliars.

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Have you any family there?

I have my house and family in my country, I was kidnapped without their knowledge.

Witness, Kanatoor Nambar Manatil Pockra.

(signed)

Mem.—On being asked before the magistrate, the deponent declares, that the examination was correct, and said only that her father's name was Tewan.

(A true copy.) (signed) *T. H. Baber*, Magistrate.

(N° 14. D.)—Questions put to Ayapen, on the 8th Dhanoo 987, or 20th December 1811.

N° 14. D.

Question.—Which is your country, what is your caste, and your house name, and whose slave are you, and what is your age?

Answer.—My country is to the southward, at Paymah. I am of Tear caste; I am not certain of my house name; I am not a slave, but now I am turned a Pooliar, aged about eight years.

What is the name of your father, mother, and uncle?

My father is Mooton, and my mother Kaly. I have no uncle.

When, why, and in whose company did you come here?

I think it is about ten or twenty days ago that I came hither; I am not certain of the cause, nor in whose company I came; during the night-time, two or three persons embarked me in a boat, took me to Mahé, thence embarked me again, and carried me to Anjarakandy.

Why did you introduce yourself with the Pooliars?

The senior gentleman told me, in the bangsaul, to feed with the Pooliars, wherefore I ate with them.

Have you any family; if you have, did they not know that you was taken away?

I have, in my country, to the southward; I was kidnapped without their knowledge.

(signed)

Witnesses, Arayata Kanin, Markenkandy Pariey.

Mem.—On being asked before the magistrate, the deponent declares the above to be correct; that he knows not the names of the moplas that seized him, nor of those that sent him, nor even the name of the place whither he was sent, and that he was seized while he was playing in the compound during the time that his father and mother were absent from home.

(A true copy.) (signed) *T. H. Baber*, Magistrate.

Extract from the Proceedings of the Provincial Court of Circuit, in the Western Division, under date the 6th January 1812.

Read a return, received late on Saturday evening, at the house of the third judge, to the second precept issued by this court to the magistrate in the zillah of North Malalar, assigning reasons why he had not before made a return to the court's precept of the 27th ultimo, which he now does, and transmits therewith sundry documents connected with the circumstances on which he was called upon to report, for the information of the court.

By the said return it appears, that on the information obtained from a Tean boy, a native of Travancore, who amongst others, all free-born children, natives of Travancore, was discovered in the houses of three moplas, inhabitants of Mahé, and who all represented themselves as having been stolen from their parents, and sent by sea from Allapay, by a person named Wallapagata Assun Ally, which Tean boy, named Coonyangara, stated that his brother, named Nathan, was one of four children who had been sent a few days before to Anjarakandy (Mr. Brown's plantation.) The magistrate, on this information, and having also called in the assistance of certain of the servants of the late Travancore Elliah Rajah, residing at Cadroor, who declared that the said children were free-born, and natives of Travancore. Conceiving it his bounden duty to endeavour to find out where the remainder of these children were, and with a view to adopt a mode of proceeding as little offensive as possible to Mr. Brown, in the event of a search being necessary on his plantation, appointed

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appointed a commission, composed of the darogah of Cotioti, one of his native officers, and a commissioner of law suits, to proceed to Anjarakandy, with particular written instructions as to the conduct they were to pursue; that he, at the same time wrote to Mr. Brown, advising him of the deputation and its object; that the darogah happening to be employed at a distance, could not act with the commission, and in consequence, the others having fulfilled their instructions, returned on the 24th. The magistrate proceeds to state, that 76 men, women and children (including ten infants born therein), were brought from Mr. Brown's plantation, all of whom have declared before him, that they had been stolen, or forcibly carried away from their native countries by mopilas and others, and taken to Anjarakandy (Mr. Brown's plantation); that six of the children have stated themselves to be of free-born parents, viz. two nair boys, aged about eight years, two tien boys, aged ditto, a tiety (female tien) aged twelve, and a mopilla girl, about six; and that they are natives of Travancore, and have been within the last six months stolen from their family, and sent from Allipy by water to Anjarakandy, and there associated with Pooliars; that the tien boy (that originally mentioned as having given the information of the children having been sent to Anjarakandy) immediately recognized his brother Nathan amongst many others whom he saw at that place; that the magistrate has satisfied himself, that the six children above-mentioned are free-born children, and that they have been kidnapped and sent to Anjarakandy against their will, and never associated with Pooliars until they came into the possession of Mr. Brown. The magistrate further states, that with regard to the remainder of the 76 persons, as before-mentioned, and which consist of Wittoowans and Pooliars (servile tribes), the magistrate considers that they have been obtained by means the most unjustifiable. The magistrate states, that he has afforded Mr. Brown every opportunity of vindicating his conduct, and promptly disavowing all knowledge that the children above-mentioned were free-born, and had been kidnapped, and of all participation in that inhuman traffic, by giving up the names of the individuals who supplied them, and affording his assistance in bringing them to condign punishment; but that on the contrary, Mr. Brown had resisted the magistrate's requisitions, and treated him and his officers in terms of the highest contumely and disrespect.

Without at present entering minutely into the consideration, of how far the magistrate was authorized, considering Mr. Brown as a British born subject, and not amenable either in person or property to the authority of the zillah magistrate in that capacity, to carry away the persons in question from his premises, or how far the object which the magistrate had in view might have been attained by a more regular or milder mode of proceeding than that he has adopted*, the court deem it expedient, in justice to Mr. Brown, who appears to think, that having appealed to this court, it is not incumbent upon him to afford the explanations which he has been called upon to do by the magistrate, to acquaint him, that as in the course of their duty it will become necessary that the circumstances of the present case should be submitted to the superior authorities, it appears highly expedient and necessary for his vindication, in the eyes of that government under whose license he resides in this province, from the odious imputation which the bare recital of circumstances as they now stand on the magistrate's proceedings, have a tendency to cast upon his conduct, that he should enter into the fullest explanation in respect to the commission he may have given to the person who may have procured and sent him the six children from Travancore; and as to any precaution he may have adopted in restricting that person to the purchase only of such castes as are by the constitution of society in Malabar considered as bondsmen and transferable by sale in the like manner as other real and personal property; and for this end, that copies of the examinations of the six children in question, together with a copy of the return made by the magistrate to the court's precept, explanatory of the grounds on which the magistrate has proceeded on the present occasion, be furnished for his information.

* Extract furnished Mr. Brown.

Ordered also, That Mr. Brown be furnished with an abstract of the examination of 55 of the Betwans and Pooliars, as taken by the magistrate, in order that he may, if he thinks proper, subjoin his remarks on their respective statements.

As it appears from the documents furnished by the magistrate, that he had offered to restore the said persons and their children, the court are not aware of any objection to Mr. Brown accepting the said offer.

The following letter is accordingly addressed to Mr. Brown, and the documents above alluded to therewith transmitted.

(A true extract.) (signed) *J. H. Pearson*, Register.

(F.)

ABSTRACT of the EXAMINATIONS of Fifty-five SLAVES belonging to Mr. *Brown*, of *Anjarakandy*, taken by the Magistrate of the Zillah, North Malabar.

NAMES.	CASTE.	Age.	COUNTRY.	Former Jenmkar or Proprietor.	By whom Carried away, and when.	At what Age.	Where carried to.
Hydakan Embata Raman -	Vittoowan -	22	Chitwars - - -	Parrambil Kandachan, alias Hannan.	Villaly, Mopilla, Kootialy d°, belonging to Karoowakaran Moidun Kooty, ten years ago	12	First to Kootangal, and then to Anjarakandy.
Cheroongoran - - - -	D° - -	Not mentioned.	Chawakat - - -	Burankanacapilla, Mopilla	Koorill Koorijy Marcar, the brother of Moideen Kooty aforesaid, and another, 10 years ago	Not mentioned.	To Anjarakandy.
Ayapan - - - -	D° - -	18	D° - - -	Kakat Minon Tamboram, or Minakamul.	A Mopilla of Karoowakaren Mopa, the same person, above ten years ago.	8	To Anjarakandy.
Canden - - - -	D° - -	Does not know.	Trishroor, or Arimboor -	Arimbara Kariakar - -	Vellaly Mopila, belonging to the same Moopa, ten years ago	- -	To Anjarakandy, to Mr. Brown.
Raman - - - -	D° - -	D°	Chowgat - - -	Does not know - -	Seized by two Mopillas and taken to the said Moopa, ten years ago.	- -	Anjarakandy.
Kandan Koran - -	D° - -	D°	Koringaloor - -	Hydakut Topan - -	Same persons people, ten years ago.	- -	D°.
Chakapan - - -	D° - -	D°	Chitway - - -	Aranjamb Perambib Kannachan.	Was seized when a child - -	- -	D° to Mr. Brown's banksaul.
Kael - - - -	D° - -	D°	Poonatoor Kata Puddia -	Poonatoor Koroo Minaka Tamboran	Villaly Mopla and a Tean, seized and delivered to the Moopa, ten or thirteen years ago.	- -	To Anjarakandy.
Ayapan - - - -	D° - -	D°	Chitway - - -	Karakat Moidun, Mopilla	Same Moopa's people - -	- -	D°
Changaran - - -	D° - -	D°	Marootera - - -	Erata Aynaly, Mopilla -	Chandanaparambil Koonjy Moideen and Villaly, belonging to the same Moopa, 8 years ago	- -	
Neelee; a female - -	D° - -	D°	Perumbudapanad, Travancore - - -	Tecudil Kristnasha Kumil	Villaly Mopla and Nair Koonjamod, and delivered to Karoowakan Moopan, ten years ago.	- -	D°
Aya - - - - Was seized, together with her husband.	D° - -	D°	Chinoongalat, southward of Koingalore.	Chinoongalat Parota, Tamboran.	The same persons and some Mopila, delivered to the same Moopa, ten years ago.	- -	D°

Neelee; female - - Father, mother and all her family seized.	Vittoowan -	30	Manooty - - -	Erata Ayanam, Mopilla -	Villaly Mopla and Chandana Poorat Koonjy Ahmod, at ten years ago.	20	Anjarakandy, to Mr. Brown.
Kally; female - - -	- - -	35	Chowgat - - -	Kotta Moopa - - - -	Villaly; ten years ago - -	- -	D°
Chakky; female - -	- - -	- -	Kanjaney, in Travancore	Poonatoor Mootapully, Tamboran.	Villaly Mopla and Nair Koonjamod; took to the Moopa aforessid, eight years ago.	—	
D° - - - -	- - -	30	Chowgat - - -	Changolil Namboory -	The Moopa's people; ten years ago.	- -	Anjarakandy; was taken gagged.
Nalee; female - -	- - -	25	D° - - -	Susdan Moopa, Mopla -	Chowgat Koonjy Ahmod Mopla	15	Anjarakandy.
Chakky; female - -	- - -	22	- - - -	Poonatoor, Tamboram -	Three persons belonging to the Moopa; ten years ago.	12	D°
D° - - - -	Vitooa - -	30	Veliangot - - -	Pandalapiranham, Panikar	Vellaly Mopla, by the orders of the Koi Moopa; ten years ago.	20	D°
D° - - - -	- - -	20	Chitway - - -	Arayan Parambil Kannan	Villaly and Kootrally, and other Mopillas.	- -	To Mr. Brown.
Kally - - - -	- - -	18	Does not know - -	Does not know - -	Does not know; ten years ago -	- -	Anjarakandy.
Nulee; female - -	- - -	28	Kanjaney, in Travancore	Molapallis Krisnacha Kummul.	Moplas and Tears, belonging to the Moopa; five or six years ago.	- -	D°
Chatan - - - -	Eralan - -	- -	Villatra - - -	Avran, Mopla - -	A Mopilla and a Sepoy; ten or twelve years ago.	- -	D°
Villayan - - -	Polayan - -	30	Polanar - - -	Kooroongat Cherikum, a Tambooran.	Five or eight Mopilas; eight years ago.	- -	To Mahi, and then to Anjarakandy.
Ayapan - - - -	D° - -	- -	Peroombadapanad Artal	Tandan - - - -	By a Mopla; was taken to the Mopa, twelve years ago.	- -	Anjarakandy.
D° - - - -	D° - -	- -	Pattooly - - -	Kidakot Minon - -	Two Moplas; two months ago -	- -	To Alapi, Mahi, and Anjarakandy.
Raman - - - -	D° Eralan -	- -	Kavilpara - - -	Kavilpara Nair - -	Two Moplas; ten years ago -	- -	Anjarakandy.
Kandy - - - -	Eralan - -	- -	Not known - -	Not known - - -	Not known; when a child -	- -	D°
Chatan - - - -	D° - -	32	Angot, in Volatree -	Chirambat Asran - -	Poodwana Panikar; ten years ago.	- -	D°
Koran - - -	Polayan - -	25	Mookala, southward -	Chirot Markar - -	Totakal Moideen, five years ago; six or seven again.	- -	D°
Raman - - - -	Eralam - -	30	Kodarakal - - -	Vingatil Tamboram -	Two Mopillas; taken to the Moopa.	10	D°
Chatan - - - -	Polean - -	25	Tritalla - - -	Koorpata Itterarachen -	Two Mopillas; to the same Moopa; five or eight years ago.	17	D°

(*continued.*)

(F.)—ABSTRACT of the Examinations of Fifty-five Slaves belonging to Mr. *Brown*, of *Anjarakandy*—continued.

NAMES.	CASTE.	Age.	COUNTRY.	Former Jenmkar or Proprietor.	By whom carried away, and when.	At what Age.	Where carried to.
Karian - - - -	Polean - -	- -	Kootnad - - -	Vinga Manakala, Numboory.	Four or five Mopilla; ten years ago.	- -	Anjarakandy.
Chatan - - - -	D° - -	25	Perimbadapa Chawanoor	Kookporat Nair - -	Two Mopillas; ten or twelve years ago.	13	
Tewen - - - -	D° - -	35	Nittoor, the eastward of Cochin - - -	Mamootty, Mopilla -	Edakat Moidun - - -	- -	To Cochin, to Chitway, and then to Anjarakandy, in Mr. Brown's employ in Edawan last.
D° - - - -	D° - -	11	Petambalatoo - -	Panakada - - -	Panamparambil Panikar; seized and given to Aykagat Chickmoiden, who gave him to a Sahib at Cochin whence.	- -	Was brought overland by Koonjry Pariey and Wappan, and delivered in Edawam last, at Anjarakandy.
Ittinadee - - - -	D° - -	24	Nittoor - - -	Pidianjery Koonjan Minon	Aykagat Moideen Mopla, seized and delivered to a white man at Cochin.	- -	Taken to Anjarakandy by the above two persons, along with ten others, to Anjarakandy, in Edawom last.
Neelee - - - -	Paichy - -	15	Choodanad - -	Kaporat Kristna Pilla -	Two Moplas and two Nairs; four months ago.	- -	Alape Mahi.
Kally - - - -	Polean - -	38	Wadatala - - -	Parambat Iddekowilam -	Chican Amood Mopilla, and others not named, delivered to a white man at Cochin Edawom last; eight months ago.	- -	Anjarakandy.
Poonama - - -	Pooley - -	28	Parimbalat - -	Nidiananbil Kandan, Tamboran.	Wanaparambil Panikar Tanboran, and five or eight Soodeers and Pooliars.	- -	Anjarakandy.
Kochala - - - -	Polean - -	11	D° - - -	Panakada Kandan Nair -	Wanaparambil Panikar seized and gave to one Chacha Moideen, who sent to Cochin, &c.	- -	Taken to Anjarakandy by Koony Pariey and Wappan, in Eddawom last.
Itti Anga - - -	D° - -	20	Nittoor - - -	Kambalat Andipally Kristna.	Two or three Mopillas - -	- -	To Adjarakandy, by Pariey and Wappan, in Eddowam last.
Koiroomba - - -	- - -	30	Wadatala - - -	Iddikona Tamboran -	Ebabat Weduyum Mopla, and others; seven or eight months ago.	- -	To Anjarakandy, by the same persons as above.

Anooma - - -	- - -	16	Kootnad - - -	Mator Taragan - -	By a Poolean, who sold to a white man at Cochin in Edawom last, thence to	- -	Anjarakandy, by the same persons as above.
Pattichee - - -	Poley - -	31	Kohashery - - -	Chirikul Rajah - -	By Koomba Moideen, and kept at a Mopilla's house in Madakam, taken since to Manjan Pariey's house, where the Koopayam was put on; sold since to Pokur Mopilla at Anjarakandy; the Achan of Anjarakandy coming to know of it took her away by force, took off her Mopla dress, and kept her among the Pooliers in Edawom last.	- -	Anjarakandy.
Nullee - - - -	Eralla Chirmee -	27	Kawallapuna - -	Karakate Tamboran -	By Moplas at night; and thence taken by Nairs to Ponany, and to Anjarakandy, ten or twelve years ago.		
Omalla - - - -	Poley - -	26	Erattara - - -	Pooliara Namboory -	Tooltan Kooty and Haden Kooty (brothers), belonging to Ooni Erran Moopa, passed into other hands since, and at last taken by Karoowakaran Moopan's people, embarked on board a munjoo, and took to Mr. Brown at Anjarakandy, ten or fourteen years ago.		
Chakky - - - -	D° - - -	24	Manjery - - -	Aripara Koolot, Waroners Tamboran.	By the Moopan's people, three Moplas, and thence put in a manjoo, and carried to Mr. Brown, at Anjarakandy, ten years ago.		
Kally - - - -	- - -	15	Mookala - - -	Refers to one Koran for information.	Had no recollection when brought		
Chakky - - - -	Kanaky - -	28	Adaloor - - -	Poyran Nayr - -	Wylat Mamy and Mamaly, who gave her to the Moopa, ten or twelve years ago.	16	Anjarakandy.
Estani - - - -	Poley - -	32	Polnad - - -	Korangot Chirakandachar	Five or eight Moplas, ten or twelve years ago.	20	Mahi, and thence to Anjarakandy.
Omala - - - -	- - -	16	- - - -	- - - -	Refers to her mother's Kitany for information; ten or twelve years ago.		
Chakky - - - -	Erralate - -	22	Not known - - -	Two Moplas carried her away.	Two Moplas carried her away and sold to another at Ponany, who put on the Koopayan, and Karawakaran Moopan, took off the Koopan, and sent her along with eight others to Anjarakandy, ten years ago.		
Chakkan - - -	Eralan - -	15	Taneyoor - - -	Not known.	Was carried away when young by two Mopillas, to a Sahib at Mahi, who sent him to, five or six years ago.	- -	Anjarakandy.
Nullee - - - -	Vittowaty -	50	Arimboor, in Travancore	Arimboor Kariachar -	By Karawakaran Moopan, ten years ago.	40	D°

(A true copy.) *J. W. Pearson*, Register.

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No 1. G.

To the Magistrate of the Zillah of North Malabar, Tellicherry.

1.—Sir:—I have to acknowledge the receipt of your letter of yesterday's date, and in reply have to state to you, that since my letter to you of the 28th ultimo, having sent to Anjarakandy for particular information relative to the six persons whom you say are free people, I have now to inform you, that they were sent there by Baniam Belte Assin Ally to work on the plantation until his return from Travancore; whether he got them from their parents or relatives, or purchased them as slaves, I know not, but having no claim over them I can have no objection to your detaining them, as I conclude a complaint has been lodged before you on their account.

2.—With regard to the other persons who were forcibly driven from the plantation, without the smallest reason being assigned for that violent proceeding, it is totally false that they were stolen or kidnapped, nor did any of them assert such a thing when questioned by your menon at Anjarakandy. The major part of them have been ten and twelve years on the plantation, and the assertion that they are now said to have made, is not even attempted to be supported by the smallest proof; my right to them I am perfectly prepared to support as soon as my property in them is impeached; but until that is challenged, it would, as I have already observed in my letter of the 28th ultimo to you, to be a virtual admission of the legality of your act, to prove my right to that property which nobody disputes with me, and for the recovery of which, together with redress for the wrongs and loss I have suffered, I have already addressed a superior tribunal.

3.—With regard to the case being submitted to government, I only waited for the decision of the court of circuit, to bring the whole affair before the Honourable the Governor in council by petition, because it is impossible for me to carry on that extensive undertaking on which so very large a sum has been expended, unless I am certain of protection from such hostile interruption and violence as that against which I now complain. Your submitting the subject will, I doubt not, answer that purpose, provided the case is fully explained; to which end, I hereby require, that copies of my petition to the court of circuit, with the proceedings held thereon, may accompany your reference to government.

Tellicherry, 4th Jan. 1812. I have, &c.
(signed) *M. Brown*, Owner of the Randaterrah Plantation.

Provincial Court, L. s. Western Division.

To the Magistrate in the Zillah of North Malabar.

H. Pursuant to an order of this court, you will herewith receive an extract from their proceedings under this date, to the exigence whereof you are hereby required to conform, making your return within six days from the date hereof.

Given under my hand, and seal of the court, this 13th day of January, A. D. 1812.
(signed) *H. Clephane*, Third Judge, for the Register.

Extract from the Proceedings of the Provincial Court for the Western Division, under date the 13th January 1812.

The judges observing, from Mr. Brown's statement, that Wallapid Agatha Assin Ally, the person who is represented as having sent from the Travancore country the six children found in Mr. Brown's plantation, as well as the nine discovered in possession of certain persons, inhabitants of Mahé, is now within this jurisdiction, Ordered, that the magistrate be called upon to report to the court, whether he has examined the said person, and if so, to furnish copy of his examination for the information of the court.

The magistrate must also be called upon, to state the measures he may have taken, either by communication with the resident at the court of Travancore, or through any other channel, in order to follow up the clue afforded by the declarations of the children, who represent themselves as of free parents, and under various circumstances stolen from their parents or relations, for the purpose of verifying, as far as may be possible, the account they have given of themselves, in view to their eventual restoration to their parents or relations.

Ordered,

Ordered, that extract of the above be sent to the magistrate in the Zillah of North Malabar, and a precept be issued, requiring his return thereto within six days from the date thereof.

(signed) *H. Clephane*, Third Judge, for the Register.

(A true copy.)

In pursuance of the exigence of the annexed precept, the magistrate forwards copy of the examination of Wallapiblagatha Assun Ally, and also of the further communications to and from Mr. Murdoch Brown. The letter from Mr. Brown, dated Tellichery, the 4th, was not received until the evening of the 5th, or would have been sent with his return of the 4th to the courts precept of the 27th. The magistrate informs the judges further, that he has written to the resident at the court of Travancore, and forwarded all the information the children had given, and copy of Wallapiblagatha Assin Ally's examination., He also has commissioned some natives of Travancore to communicate to the public fuctionaries in that province, or in any other way they had the means of conveying, the information of the discoveries of the children at Anjarakandy and Mahé to their friends and relations.

The magistrate also forwards the examination of the Mopilla Cumba Moidun, who stole and carried to Anjarakandy, Wattackgee and her child, also of her brother, held before the magistrate on the 15th and 16th instant; and the examination of the Cherical Rajah by commission; neither proprietors or owners of the free-born children or bondsmen having yet preferred a charge against Wallapillagatha Assin Ally, Cumba Moidun, or any of the persons charged in their declaration as accessories; the magistrate has not committed them for trial, in consequence of the opinion the judges of the provincial court have been pleased to express in their precept, dated the 15th; should the judges, notwithstanding, now think that a prosecution can be supported against these persons without a complaint being preferred by the prosecutors of the free-born or bonds-children. The government Vakeel shall be instructed to prosecute them in the same way that the accomplices of Assin Ally have in case N° XV. on the calendar.

Given under my hand, and seal of the court, this 22d day of January, A.D. 1812.

(True copies.)

(L. S.) (signed) *T. H. Baber*, Magistrate.

Examination of Wallapagatha Assin Ally, taken under date the 26th Dhanoo 987, M. S. or 8th January 1812. N° 1. I.

Question.—It appears in certain examinations before the court, that you sent some children from Allapi; did you do so; if you did, mention the particulars thereof?

Answer.—I did send; in Muthoonam 986, M. S. Mr. Brown sent me to Allapi with money to pay for the 500 candies of pepper which was prepared for him there, for the purpose of export to Bombay; while I was at Allapi, I saw many persons purchasing slaves; I went to the cutwal of Allapi, and told him, that as there is a traffic of slaves carrying on at Allapi, that I wanted a few children, when the cutwal told me, that I might purchase as many as I pleased, as the custom of purchasing and selling slaves was permitted there; in consequence of which, I purchased from several persons 25 children, both males and females, eight of which I sent to Mahe, and six to Mr. Brown; afterwards I sent 11 children in a boat to Mr. Brown; when the boatmen landed beyond Cochin, at a place called Yarrat, for the purpose of cooking their victuals, the inhabitants of the place came and asked the boatmen, whence they brought the children, and some other questions, upon which they became frightened and ran away; at which time the inhabitants took the 11 children and my man Packroo to the Tannah station, and reported the circumstances, whereupon I was taken to the Mavinkara fort and examined, and fined in the amount of 1,000 rupees; the children were taken, and also the articles which were in the boat, and a written decision given me; I was told that the articles and the amount I had paid for the children would be demanded from those who had received it from me, and returned to me; afterwards my nephew, Koonjy Amod, wrote me, that the children I sent to this place were, by the gentleman's order, brought and confined. So soon as I received that letter, I quitted the place by water, and yesterday landed at Mahe; to-day, on my way to the court, I met Mr. Brown, when he gave me a letter to the gentleman, which I brought with me

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to court; I have also brought pramanums I received from the persons from whom I purchased the children, and the award given me at Mavilikam.

What are the castes of the children you brought?

I was informed by the persons who sold them, that they were Wittoowars, Pooliars, Chanonmars and Korawars, but when I purchased them, they bore Mopla names.

For whom did you purchase them?

I purchased them both by the desire of Mr. Brown, who told me, on my way to the southward, that he wanted 10 or 15, and for my own use, six of which I sent to Mr. Brown, and eight I sent to my house at Mahe. The remaining 11, which I sent to Mr. Brown, were those who were seized, as above-mentioned. From the children seized and brought from Mahe, two females and one male, were purchased for me by the Allapi Cutwal himself, and the remaining I purchased with the knowledge of the said cutwal.

Where are the eleven children taken from you at Mavilakara?

They are kept at Mavilakara, one of which was taken away by its mother.

Did you mention there the fourteen children sent both to Mr. Brown and to this place?

I was neither asked, nor did I mention it.

You say that you purchased them by the cutwal's order; was any inquiry made to the cutwal on the subject?

He was fined there in the sum of 54 fanams, but I was informed afterwards, that it was commuted to 36 fanams.

Look at these 15 children; are they those sent by you?

I saw nine of them, as I kept them with me for some days; I have also seen three of those sent to Mr. Brown, and the others were only by my desire; I sent them at different times in boats at one and two at a time.

The child Iddity says, that she is a Shooder; how is this?

Both the seller as well as she herself, told me that she was not a Shooder.

Of the remaining children, one says, that he is a Wittoowan, and one a Koravan, and the rest Tier; how is this?

When I purchased them, they all bore Mopla names; they did not inform me of their caste.

The children sent by you to Mr. Brown, say that two are Shooder, two Tier, one Mopla, and one Tiety; did you know it?

Their names have been given in writing; the persons who gave me them, said that they were of low caste; I do not know their caste; the caste of some of them is inserted in the said writing, and the names of some are also written of those sent to Mr. Brown; those sent to Mahé were purchased with my money, and kept at my house; one of them I made a present to a person, from whom I received no money.

Had these nine children, prior to their coming into your possession, ate Mopla food?

When they were brought to me, they had ate Mopla food, and they bore Mopla names.

Were those sent to Mr. Brown, bought with Mr. Brown's money, or with your's?

They were bought with Mr. Brown's money; I have by me Mr. Brown's money; when we make out our accounts, we shall settle it.

Prior to the children being sent to Mr. Brown, at Anjarakandy, or coming into your possession, do you know whether they ate Pooliar food?

I do not know of their being associated with Pooliars, nor did I associate them with Pooliars.

As this case may be brought for trial before the court of quarter sessions, have you any witnesses to call on your behalf?

Yes; those mentioned in the pramanums taken by me; besides these, Akoo China Chadayan and Kydala Packran, who came with me.

When

When these children were sent for from Anjarakandy and examined, two of them said that certain Pooliars from the southward were seized and brought by Assun Ally people, Wappan Kooty, and Koonjey Pariey; do you know this?

I neither sent Pooliars, nor know of it; I have no one of the name of Koonjy Pariey, or Wappan Kooty, with me.

Do you know Wapping Kooty and Koonjy Pariey?

There is a person of the name of Wapping working as a cooly for Mr. Brown; Koonjey Pariey I know not.

Is it usual for children to be seized and sold in this manner, at Allipi and those places?

Last year, when I went there and wanted one, I could not procure the purchase. Now, since my going there, several persons have purchased in great numbers; after the circumstance of my having purchased these children was investigated, a proclamation was issued for general information, in order that purchases in future should be made in due form, and that the purchased should not be exported.

Has any person purchased and brought to this country?

I heard that a person of Koonjey Kanny of Ponamy, and others from Calicut, have brought about 400 persons; I saw one of the boats bringing these people.

Has any person belonging to this zillah brought children?

I heard there, that Tellicherry people had purchased and brought slaves; but I know not to what number, and when.

(signed)

(A true copy.) (signed) *T. H. Baber.*

(A true translation.) (signed) *J. H. Pearson,* Register.

To the Third Judge, acting for the Register.

J.

Previous to a compliance with the exigence of the provincial court's precept of this day's date, the magistrate deems it proper to advise the judges, that he had set on foot an inquiry into the circumstances set forth in the depositions of twelve of the sixteen Pooliars (the rest being children), of their having been stolen from their owners, and transported from their country against their will, to Anjarakandy, since the month of Yaddawan last, and that it was his intention to have made a full report of the result thereof to the government, for the purpose of being submitted, together with his proceedings in the case of the free-born children, for the opinion of the Honourable Company's advocate general, as far as related to Mr. Murdoch Brown, and to have committed or held to bail, as the case might seem to require, those persons who were amenable to the jurisdiction of the Company's local courts, as might appear to the magistrate to have committed the crime of kidnapping and enslaving free-born children, and kidnapping the 12 bondsmen above alluded to, or had been in any way concerned as accessories.

The magistrate in his communication, dated the 8th, informed Mr. Brown that the presence of those sixteen Pooliars would be required some time longer; but by a return to his warrant, and a report from the police officer, it appears, that on the following day the two persons who are stated in those depositions to have carried the greater part of these Pooliars to Mr. Brown's plantation, were sent out of this Zillah, one to Punnany, and the other to Goa.

The magistrate, however, does not despair of obtaining, though he should not succeed in apprehending those persons by means of the resident of Travancore, and through other channels, correct information as to the truth or otherwise, of the account given by the free-born children, and this portion of the bondsmen; but it will be obvious to the judges, that he cannot prosecute the investigation, if they insist upon sending back the latter before he has brought it to a termination, for the same reasons that the presence of the Pooliars is required; the magistrate will be glad to have sent back the whole of the original papers forwarded, with the magistrate's return to the court's precept, dated the 27th ultimo.

Given under my hand, and the seal of the court, the 13th day of January, A. D. 1812.

(L. S.) (signed) *T. H. Baber,* Magistrate.

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K.

Provincial Court of Circuit, Western Division.

To the Magistrate in the Zillah of North Malabar.

Pursuant to an order of this court, you will herewith receive an extract from their proceedings under this date, together with the documents therein alluded to; you are hereby required to conform to the court's order, making your return within twenty-four hours from the receipt hereof.

Given under my hand, and the seal of the court, the 15th day of January A. D. 1812. (signed) *H. Clephane*, Third Judge, for the Register.

Extract from the Proceedings of the Provincial Court of Circuit for the Western Division, under date the 15th January, A. D. 1812.

Read a communication from the magistrate in the zillah, North Malabar, in answer to the letter addressed him by order of the judges, dated 14th instant, transmitting a list of Pooliars taken from Mr. Brown's premises, now detained by him.

The judges of the court of circuit have already expressed their opinion of the illegality of the act on the part of the magistrate, in having in the first instance, without any information before him, or claim preferred thereon, removed from Mr. Brown's premises, and deprived him of the services of the bondsmen, his property; and in consistence with this opinion, they deem it their duty to lessen, as much as possible, the injury to which Mr. Brown's undertaking must have been subjected by their long and continued detention.

The judges do not even perceive, on the grounds of expediency, any valid reason for the further detention of the twelve Pooliars and their children; they have already given all the information they are capable of imparting, and should the persons to whom they represented themselves as having belonged, and from whom they were stolen, appear for the purpose of establishing their claim, or prosecuting the perpetrators of the theft, their accomplices or accessories, under the provisions of Regulation XI. A. D. 1809, may, by the usual process observed in respect to evidences, be forthcoming when required.

The judges do therefore direct, that with the exception (for the present, and until the magistrate shall have sent in the report of his examination of the mopilla whom she charges with having stolen her) of the female named Wattachee, the magistrate do forthwith obey the exigence of their precept of the 13th. In regard to this person, as well as the others in general, the judges must remark, that in their opinion the magistrate is following a course which does not seem either the most direct or efficacious towards the ascertainment of the fact, and which seems to be an indispensable preliminary to the prosecution of the persons mentioned in their deposition, as principals or accessories in the theft of their persons, viz. whether or not they have been actually stolen. This at present rests solely on the declarations of the slaves themselves, and unless a charge of this nature shall have been previously preferred by the persons, the proprietors of the bondsmen, and other evidence adduced thereof, the judges do not see, that either under the provisions of the Regulation XI. A. D. 1809, or any other regulation, a prosecution can be supported against the persons charged in these declarations as accessories only, and that, in many of the instances, in a very remote degree.

Ordered also, that the original papers transmitted by the magistrate, with the return to the court's precept of the 27th ultimo, and which he has requested may be returned to him for the purpose of taking copies thereof, be sent to him, and that he be required to return either the said original, or attested copies thereof, as expeditiously as possible.

(A true extract.) (signed) *H. Clephane*, Third Judge, for the Register.

L. In pursuance of the exigence of the annexed precept, received this instant, the magistrate has ordered to be sent back to Anjarakandy the remaining twelve Pooliars who had made oath they were kidnapped, and forcibly carried from their country and owners, (in one instance, Poonama, a mother, and three infants, torn from her husband and their father,) and has suspended all further proceedings until a complaint has been preferred by their proprietors, on the grounds of the opinions the judges have explained in the concluding part of the 4th paragraph of their orders.

Given under my hand, and the court's seal, the 16th day of January A. D. 1812, 2 P. M. (signed) *T. H. Baber*, Magistrate.

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M.

To the Third Judge, for the Register.

In pursuance of the exigence of the court's orders, as conveyed in your communication of yesterday, received late in the evening, the magistrate now forwarded a list of the twelve male and female Pooliars, whom he detained in consequence of their having deposed that they had been recently stolen, and transported to Anjarakandy, and for further particulars refers the judges to the depositions and examinations forwarded with his return to the court's precept, dated the 27th ultimo. The judges will observe several Pooliars of the same name, but they would readily discover the identical persons now here, by a reference to that part of their deposition in the possession of the judges which mentions their place of nativity, their owners names, and the time and place when and where they were kidnapped. The magistrate has already informed the judges of the obstacles which have been opposed to him in Mr. Brown's silence, and the departure of his two agents out of the jurisdiction of this zillah; but he will, notwithstanding, exert every means at his command to follow up the information contained in the depositions of the Pooliars, provided the judges of the provincial court will permit him.

Given under my hand, and the seal of the court, this 15th day of January A. D. 1812.

(signed) *T. H. Baber*, Magistrate.

The mopilla Coomba Mordein, whom Wattachy charges with having stolen her, has just been brought in; the magistrate has not taken down his deposition, but from the examination sent with him, Wattachy's account of the mode in which she came into Mr. Brown's possession does not appear to be exaggerated.

(signed) *T. H. Baber*, Magistrate.

LIST of MEN, WOMEN and CHILDREN seized since Eddawan, and sent to the *Anjarakandy* Plantation.

NAMES.	CASTE.	PROPRIETORS.	DIASHEN.	District or Province.	Number of Children.
Ayapan - -	Pooliar -	Keedehatoo Minon Tamboram	Pattail - -	Cochin District.	
Tavan - -	D° -	Arakul Mamootey Mopilla -	Nattoor -	D°.	
Tavan - -	D° -	Panohada Kanden Nair - -	Perambolata -	Travencore Province	P.
Ittanadily - -	D° -	Pidianjery Coonhaien Minon -	Nettoor -	Cochin Province.	
Netty - -	Parachy	Coyapoorata Kristna Pilla -	Choolanaad -	Travancore Province.	
Casty - -	Pooley -	Parambatta iddatel Edeketten -	Wadatatta -	D° - - -	1 Child.
Poonama - -	D° -	Nidiaparambatta Kanden Tamboram - - - -	Paramballa -	D°.	
Itteangar - -	D° -	Andy Pally Khristram - -	Coombalata -	Cochin D°.	
Chochalla - -	Poolian -	Parakady Kanden Nair - -	Parambata -	Travancore P.	
Cooromba - -	Poolay -	Eddaiona Tamboram - -	Wadakala -	D°.	2 D°
Anima - -	D° -	Matoo Taragan - - -	Kottenaad	D°	
Wattechy - -	D° -	The Rajah of Chiricul - -	Kalleasherry -	Malabar - -	1 D°

(signed) *T. H. Baber*, Magistrate.

Provincial Court, Western Division.

To the Magistrate in the Zillah of North Malabar.

I am directed by the judges of the provincial court, in reply to the point submitted for their opinion in the latter part of your return to their precept of the 13th instant, to inform you, that in the expression of their opinion, as contained in extract of their proceedings of the 15th instant, that no prosecution could be supported

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ported against the persons who are stated to have been the purchasers of the children and adults who represent themselves to have been stolen from the districts of Cochin and Travancore, whether free or bondsmen, unless the parents or relatives in the first case, and the masters or proprietors in the second, should come forward with a charge against them; they had in view the provisions of Regulation XI. A. D. 1809, which seem to consider this as indispensable, and which further reserves the determination as to the bringing to trial of the persons who may be thus charged to the Honourable the Governor in council.

The above opinion had no reference to the case of the theft of the female Pooliey named Wallachee, by the mopilla named Coomba Moidun, which in common with other crimes committed within the limits of the Honourable Company's territories, is directly cognizable by the courts established therein; as however the law officers object to the government being prosecutors where there are owners of the property stolen, it seems to be expedient that the Cherikal Rajah should appoint a person to carry on the prosecution in his name and on his behalf.

Given under my hand, and the seal of the court, this 24th January 1812.

(signed) *J. H. Pearson*, Register.

(True copies.)

(signed) J.H. Pearson, Register.

To the Secretary to Government in the Judicial Department.

Sir:—I have to acknowledge the receipt of your letter of the 31st ultimo, inclosing the papers upon the subject of slaves brought into Malabar, and found in the possession of Mr. M. Brown.

I have read with great attention the whole of these papers, and should have been glad to find that the infamous traffic there exposed had been within the provisions of the Act for the abolition of the Slave Trade, 47 Geo. 3. c. 36. as it is completely within the object and principle upon which that Act was founded.

But upon reference to the statute, I am sorry to find that it applies exclusively to the African Slave Trade, and to the importation of slaves from places in Africa, or from foreign settlements in the West Indies or America.

The prohibition against trading or dealing in slaves, which Mr. Baber seems to suppose general, is limited (s. 1.) by the expression "contrary to the provisions of this Act," which provisions when referred to, will be found to be exclusively applicable to Africa, or to foreign settlements in the West Indies or America. The transfer by sale of a slave from one British West India island to another is not prohibited, and is certainly intended to be left open as before. I fear the omission to prohibit the trade in Asiatic slaves may in the same manner be held to legalize the traffic.

A late case appears however to have been decided by the High Court of Admiralty, supporting the seizure and confiscation of an American slave ship as being engaged in a traffic unlawful, because contrary to the law of nature, and not countenanced by the existing laws either of England (since the above statute) or of America; and so far as relates to the release from slavery of the slaves imported for sale into British India from the neighbouring states, I am by means sure that our courts would not act upon the same principle in declaring the traffic illegal and void; but I think it would be too much to hold the party guilty of any offence for doing what was considered legal, and is not prohibited. It may be doubtful, whether in a country in which the British are governed by the laws of England, a British subject can be the master of a slave; but if that proposition were admitted in its fullest force, it would not have any tendency to make the purchase of a slave criminal. Sir W. Jones, in one of his addresses to the grand jury at Calcutta, stated that he had in a year of famine bought several children, whom he preserved from death, but that he should feel it his duty to tell them, when they grew up and were able to support themselves, that he had no right over them. In the same address, he pointed out the custom of kidnapping children in the upper provinces, for sale at Calcutta, as a crime carried to a great extent.

If it can be established in evidence, that Mr. Brown was acquainted with, and encouraged the practice of kidnapping children in Travancore, there can be no doubt of that being an indictable offence, and one highly proper to be made the subject of public prosecution; but that does not appear to be brought home to him in evidence.

I must add, however, that Mr. Baber, acting as a justice of the peace in taking informations,

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informations, and if he shall see reason, committing for trial a British subject, for what he as a magistrate may deem an offence against the laws of England, is not only entitled but bound to follow his own best judgment, and although at his request the opinion of the legal adviser of government may with propriety be communicated to him, it may be proper in me to notice the difference of his situation in that character, from the ordinary duties of his office, in which he is liable to the general controul and directions of the government, or of intermediate authorities.

I am, &c.

(signed) *A. Anstruther*, Advocate Gen.

Fort St. George, 14th April 1812.

To the Chief Secretary to Government.

Sir:—Since writing to you on the 14th ultimo, on the subject of the traffic of slaves in Malabar, I have seen the statute of 51 Geo. 3. c. 23. which extends to India the prohibition to British subjects engaging in such traffic. The penal consequences attach in India from the 1st of January 1812, and perhaps Mr. Brown may in strictness be within that clause. I do not, however, send for the papers to ascertain the date of his late acts, because I am satisfied that it would be great injustice to bring him to trial for violating the law many months before it can reasonably be supposed that he knew of its existence; probably the copy of the statute which lately arrived in His Majesty's ship Africaine was the first in India.

I should think it a proper measure for government to publish throughout the provinces under its authority, the substance of the statute which applies in all its consequences and penalties to all persons residing within the King's or Company's territorities, including therefore the native subjects of this government.

I am, &c.

(signed) *A. Anstruther*, Advocate Gen.

Fort St. George, 14th May 1812.

Ordered, in consequence of the letters according to the following drafts, be dispatched to the register of Sudder and Foujdarry Adawlut, and the judge in North Malabar.

To the Register to the Court of Sudder and Foujdarry Adawlut.

Sir:—As connected with the subject of the proceedings of the Foujdarry Adawlut, transmitted with your letter, under date the 3d ultimo, I am directed by the Honourable the Governor in council to transmit to you, for the further consideration and report of the Foujdarry Adawlut, the accompanying letter,. with its inclosures, under date the 19th February, from the judge and magistrate, zillah North Malabar, and the inclosed copies of two letters, under date the 14th ultimo and 14th instant, from the advocate general.

2.—It is desirable that the opinion of the Foujdarry Adawlut, as to the mode of proceeding to be adopted with regard to the persons committed, N° 15 of the calendar, as accessories to the theft and sale of the nine children found at Mahé, adverted to in Mr. Baber's letter, should be communicated as soon as it may be convenient.

3.—I am also directed to transmit, for the information of the Foujdarry Adawlut, the inclosed copy of a letter of this date, to the judge and magistrate, zillah North Malabar.

I have the honour to be, &c.

(signed) *W. Thackeray*, Chief Secy to Govt.

Fort St. George, 29th May 1812.

To the Judge and Magistrate, Zillah North Malabar.

Sir:—I am directed to acknowledge the receipt of your dispatch, under date the 29th February, and to inform you, that the Honourable the Governor in council has under consideration the most effectual means of putting a stop to the nefarious traffic in slaves which has prevailed on the Malabar coast; in the mean time, I am directed to acquaint you, that the Governor in council approves of your inquiries and measures with regard to the persons found in a state of slavery on Mr. Brown's plantation, and desires that you will continue your inquiries respecting the twelve slaves said to have been recently stolen, or brought to Mr. Brown's plantation, and any others who you may have reason to suspect were stolen.

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2.—I am also directed to transmit for your information, the inclosed copies of two letters, under date the 14th ultimo and 14th instant, from the advocate general, containing his opinion as to the applicability of the Acts for the abolition of the slave trade, to Mr. Murdoch Brown.

3.—You will receive in the course of a few days, the directions of the government respecting the persons committed, N° 15 of the calendar, as accessories to the theft and sale of the nine children found at Mahé.

I am, &c.
(signed) *W. Thackeray*, Chief Sec^{y} to Gov^{t}.

Fort St. George, 29th May 1812.

Extract, Fort St. George Judicial Consultations, 31st July 1812.

Read the following Letter from the Register to the Court of Foujdarry Adawlut.

To the Chief Secretary to Government.

Sir:—I am directed by the Foujdarry Adawlut to acknowledge the receipt of your letter of the 29th ultimo, with its several inclosures, and to transmit to you the accompanying extract from the court's proceedings of this date, for the purpose of being laid before the Honourable the Governor in council.

I have, &c.
(signed) *Edward Wood*, Register.

Foujdarry Adawlut, Register's Office, 19th June 1812.

Extract from the Proceedings of the Foujdarry Adawlut, under date the 19th of June 1812.

Read letter, dated the 29th ultimo, from the chief secretary to Government, referring a letter, with inclosures, under date the 29th of February, from the magistrate of the Zillah of North Malabar, and copies of two letters from the advocate general, and signifying the desire of the Honourable the Governor in council, to receive the opinion of the court, as to the mode of proceeding to be adopted in the case to which paragraphs 54 to 61, and paragraph 68, of Mr. Baber's letter, particularly refer.

The case in question is N° 15 on the North Malabar Calendar for the first quarter sessions of the year, and from the copy of that document, received from the third judge, Mr. Hay Clephane, before whom the jail delivery was held, the case appears to be thus described:—"The government by Vakeel Versus Wallapakata, Assankooty Maniub, Moideen Cootty, Kayab Moideen Cootty, strong suspicion of being privy to the kidnapping nine free-born children, natives of Travancore, depriving the boys of the kodoma (the distinguishing mark of caste); boring the ears, and putting in aliket, and the koopa (a mopla dress) on the girl; in having secreted them on their arrival from Alepsy, whence they were sent by Wallapakata Assen Ally, not apprehended:" and the column for the remarks of the presiding judge contains the following statement, viz.:—"The court declined proceeding to the trial of this case, as the law officer objected to the legality of the surkar vakeel being appointed as prosecutor, while the parents and relatives of the nine non-adults, to the kidnapping and stealing of whom the prisoners are charged as having been accessary, are now existing; the judge being further of opinion, that the case falls under the provisions of Regulation XI. of A. D. 1809, and that the orders of the Honourable the Governor in council are required before it can be brought to trial; which opinions were communicated to the magistrate, accompanied by the judge's opinion, that he did not conceive a prosecution would lie against the prisoners, but that, should the magistrate think otherwise, he might hold them to bail in the interim of a reference to the Honourable the Governor in council, pursuant to the provisions of the Regulation above quoted."

The prisoners Wallapakata Assen Cootty Manaib, Moideen Cootty, and Kayal Moideen Cootty, were therefore committed by the magistrate as accessories to the theft and intended sale, as slaves, of nine free-born children, who had been found in their possession at Mahé, having been sent to them "from the most remote parts of Travancore," where they had been stolen.

And the grounds of the third judge's hesitation to take cognizance of the case were, 1st. That it was the opinion of the Mahomedan law officer of the court, that the

the appearance of the parents to prosecute could not be dispensed with; and, 2dly. That to give the court of quarterly jail delivery competence in the case, it was requisite that the order of the Governor in council should be produced for bringing them to trial.

These grounds, in paragraphs 60 and 61 of the letter now before the court, the magistrate endeavours to controvert; and in answer to that which was considered by the third judge to constitute a bar to the jurisdiction of the court in the case, strives to draw a distinction, as to locality, between the offence committed by Wallapakata Assen Ally, and that of the three prisoners at Mahé.

Without entering into the matter urged by the magistrate on this point, which indeed chiefly relates to another question, the liability of the prisoners to be proceeded against for the smaller offence, that of merely receiving the stolen children, it may be sufficient to refer to the charge entered by the magistrate in his calendar of prisoners committed or held to bail for trial, in order to decide upon the merits of the third judge's objection, and to form a judgment of the magistrate's views and intentions in bringing the parties before him; and from the terms in which the charge is couched, it seems evident that the magistrate, in committing them, held them to be guilty, and meant to put them upon their trial as accessories to the crime in which Wallapakata Assen Ally was the principal offender, and which had been perpetrated in places out of the limits of the British provinces. The commitment decidedly brought the case within the provision of Regulation 11, of 1809, and upon such commitment, the third judge could only be justified in proceeding to the trial, on the production of the authority noted in section 3 of that Regulation.

With regard to the other objection of the third judge, founded on the moofties opinion on a point of law, which the magistrate attempts to combat in paragraph 61 of his letter, the court observe, as indeed it was natural to expect, that the third judge understands the business of a court of jail delivery better than the zillah magistrate. The former was aware, that it became his duty to regulate his proceedings by the opinion delivered by his law officer, and finally to abide by such opinion, unless he considered it contrary to the principles of natural justice, or to the Mahomedan law, in which case the point was referrible to the determination of his court. But even had the third judge seen reason to question the propriety of abiding by this opinion of the mooftie, the doubt entertained by himself of his competence to take cognizance of the case, would of course appear to render useless a reference to this court on the point of law.

The court consider it unnecessary to advert to the magistrate's remarks in relation to this objection of the third judge, further than to submit, that the insinuations towards and at the conclusion of this paragraph (the 61st) of his letter, should not be suffered to pass unnoticed.

But with a view to ascertain the procedure now to be pursued against the prisoners, the court have received the following opinion from the Cazee oob Coozzal and moofties, in answer to questions put by their order, viz. that a person convicted of stealing a free-born child, with whatever view, would, under the Mahomedan law, be liable to tazeer, and that if in such case there were no prosecutor, it would be competent to the hakem to prosecute, for the sake of the public peace and good order.

There cannot, therefore, be a doubt, that under the Mahomedan law, the act of stealing free-born children is criminal, and that punishment is enforceable at the suit of the magistrate for the time being; and were the case under consideration subject to the ordinary jurisdiction of the established courts of criminal judicature, there would appear to be no difficulty in proceeding against the offenders. But as the offence to which they stand charged with having been accessary, was not committed within the limits of the British provinces, they became amenable to such charge only under the provision made by Regulation 11, of 1809, and the special order of the Governor in council for bringing them to trial, appears to be requisite.

It remains to be observed, that section 2 of the Regulation in question seems specifically to require, that the charge in the cases for which it provide, shall be preferred by the aggrieved party, and the rule may perhaps proceed on the principle, that as jurisdiction is determined by the locality of offence, it may be the more necessary that the court, taking cognizance of a case not subject to its ordinary jurisdiction, should have before it in the accusation or charge of the party injured and complaining, a proof of his desire to adopt that mode of obtaining redress, and of his willingness to abide by its decision thereupon.

The court direct, that extract of these proceedings be sent to the chief secretary to the government.

(A true extract.) (signed) *Edward Wood*, Register.

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Ordered, in consequence, That letters, according to the following drafts, be dispatched to the register to the court of Sudder Adawlut, and to the judge and magistrate of North Malabar.

To the Register to the Court of Sudder and Foujdarry Adawlut.

Sir:—I am directed to acknowledge the receipt of the proceedings which accompanied your letter, under date the 19th ultimo, and to state, for the information of the judges of the Foujdarry Adawlut, that the Honourable the Governor in council has been pleased to direct, that the prisoners, Wallapakata Assen Kootty, Manaib Moiden Cooty, and Kayab Moideen Cooty, shall be brought to trial for receiving, disfiguring and secreting nine free-born children, natives of Travancore, knowing them to have been stolen.

I am, &c.

(signed) *Wm. Thackeray*, Chief Sec. to Government.

Fort St. George, 31st July 1812.

To the Judge and Magistrate, Zillah North Malabar.

Sir:—With reference to the last paragraph of my letter, under date the 19th May, I am directed to transmit, for your information, the inclosed extract from the proceedings of the court of Foujdarry Adawlut, and to inform you, that the Honourable the Governor in council is pleased to direct, that Wallapakata Assen Cooty, Manaib Moideen Cooty, and Kyab Moideen Cootty, shall be brought to trial for receiving, disfiguring, and secreting nine free-born children, natives of Travancore, knowing them to have been stolen.

I am, &c.

(signed) *W. Thackeray*, Chief Sec. to Government.

Fort St. George, 31st July 1812.

REGULATION XI., A.D. 1809.

A REGULATION to provide, in certain cases, for the trial of Native Subjects of the British Government, who may be charged with Crimes or Misdemeanors committed in Places out of the Limits of the British Provinces; passed by the Governor General in Council at Fort St. George, on the 17th November 1809, corresponding with the 4th Karteeky of the year Sookla, 1730th year of Saleewaguna; and with the 8th Shuwwal 1224 Hijree.

Preamble.

Whereas under the existing laws, native subjects of the British government are not amenable to the established criminal courts for crimes or misdemeanors committed in places out of the limits of the British provinces; and whereas, the purposes of justice require that provision should be made for supplying this defect; the following rules have been enacted to be in force throughout the British territories immediately subject to the government of the presidency of Fort St. George from the date of their promulgation.

How Magistrates are to proceed against native subjects, found within their jurisdiction in cases of serious offences committed without the limits of the British provinces.

II. First.—Whenever a native subject of the British government shall be charged with murder or homicide of any sort, rape or other great personal violence, robbery, burning of houses, or violent affrays, or any other serious offence, committed in any place out of the limits of the British provinces, either against the subjects of the British government, or any other persons, and shall be found in any part of such provinces; the magistrate of the zillah in whose jurisdiction the accused person may be found, on the charge against him being deposed to on oath, or under a solemn declaration by the complainant, as required by section V. Regulation VI. 1802, shall issue process for apprehending the party accused under the provisions of that Regulation; and on his attendance, shall make such inquiry into the charge, as the circumstances of the case and the evidence attainable may admit of; after which, he shall report his proceedings to the Governor in council.

Rules as to the commitment, or holding to bail in such cases.

Second.—In such cases, the magistrate shall commit the prisoner, or hold him to bail according as the nature of the charge in ordinary cases would require; in cases of commitment, the form shall specify, until the orders of government shall be received; and in cases of bail, the form of the bail-bond shall be, in the first instance, to appear before the magistrate on a certain day assigned (leaving time for the receipt of the orders of government); and on such subsequent days as the magistrate shall require. Should government in the latter case direct the accused

accused to be brought to trial, the magistrate shall cause the bail-bond to be renewed in the ordinary form, to appear and take his trial before the court appointed for that purpose.

III.—In cases referred under the preceding section, as well as in all cases of the like nature which may in any manner come before the Governor in council, if it appear proper that the prisoner should be brought to trial for the offence imputed to him, the Governor in council shall be competent to direct, that the prisoner be brought to trial before any of the established courts of criminal judicature within the British provinces, which he may be pleased to appoint; and the special order of the Governor in council for the purpose, shall be deemed full and sufficient authority for the trial and punishment of such prisoner by the court so appointed, as well as by the court of Foujdary Udalut, if the case be referrible, under the regulations in force to that court.

Governor in Council competent to direct such persons to be brought to trial before any of the established criminal courts.

IV.—Whenever a native subject of the British government shall be brought to trial before any of the established courts of criminal judicature under the provisions of this regulation, the trial shall be conducted, and sentence thereupon passed and carried into execution, under the general regulations in force, in like manner as if the offence had been committed within the British territories, and the case subject to the ordinary jurisdiction of those courts.

Such trials to be conducted, and sentences passed in conformity with the general regulations for trial of offences in ordinary cases.

Extract, Fort St. George Judicial Consultations, 11th August 1812.

Sent the following letter— Diary.

To G. Dowdeswell, Esq. Fort William.

Sir:—A traffic in slaves from Travancore having been discovered to have been carried on to a considerable extent, and the advocate general at this presidency, on the occasion of stating his opinion on a reference made to him on the subject, having observed, that he thinks it a proper measure for the government to publish throughout the provinces under its authority, the substance of the statute, 51 Geo 3. cap. 23, passed on the 14th May 1811, for rendering more effectual an Act made in the forty-seventh year of his Majesty's reign, intituled, "An Act for the Abolition "of the Slave Trade," which in the opinion of the advocate general, applies in all its consequences and penalties to all persons residing within the King's or Company's territories, including therefore the native subjects of their government, I am directed by the Honourable the Governor in council, to state his request to be favoured with the directions of the Right honourable the Governor General in council, as to the propriety of giving full effect to the statute, and the manner in which it shall be made public. See the separate papers.

I have, &c.

(signed) *W. Thackeray*, Chief Secy to Govt.

Fort St. George, 11th August 1812.

Extract, Fort St. George Judicial Consultations, 11th September 1812.

Read the following Letter from the Magistrate, Zillah, North Malabar, to the Chief Secretary to Government.

Sir:—I have the honour to make the following Report, for the information and orders of the Honourable the Governor in Council relative to five slaves, four boys and a girl, landed from the grab ship Kadry, owner Chowakhara Cunhy Packy, lately arrived at this port from Mocha.

The first intimation I received of this occurrence, was brought to me on Tuesday evening the 1st instant, by Dadushaw Cursetjee, a native of Bombay, but at present an inhabitant of this town, who presented a petition to the same purport last year; he had been desired by his employer, the rajah of Coorg, to endeavour to procure for him a lion and five Abbisyklas (native of Abissinia) that he accordingly sent an agent over to Mocha, who returned and brought a lioness and two Arab boys.

In consequence of this information, I ordered the cutwal and one of the court officers to go on board this vessel, and ascertain what other slaves there were on board, and to bring the nokadar on shore; I also summoned Chowakhara Cunhy Pachy, the owner of the vessel, and Shaik Doud, the agent employed by Dadushaw in the purchase of these children.

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They all appeared, and were examined; Chowakhara Cunhy Pachy denied all participation in, or even knowledge of the transaction; Shaik Doud acknowledged he had purchased two Abbarry slaves for 84 dollars; that it was a common traffic at Mocha, and that besides his two, three others had arrived by the same opportunity, viz. two the property of a Calicut merchant, named Aman Ulla, and the other of the ships Malima Assen; an order was immediately issued to Amanulla, and the ships Malima Assen, to appear before me with the children in question.

They all came, and were, together with noikadar, examined; Sayed Sidago, the noikadar, native of Malabar, after some prevarication, acknowledged that five slaves had been put on board his vessel at Mocha, and been landed at this port, that two of them were the property of Dadushaw Cursitjee; two of Amanulla, a Calicut merchant; and the other, of the ship's Maluna. He acknowledged Dadushaw Cursitjee had paid him 25 dollars for the freight of the lioness and slaves, and the Calicut merchant, 10 dollars; he said also, that great numbers were brought from Abshek (Abissinia) to Mocha for sale; that while there, two of the Xeriff of Juddas vessels had arrived with a number of children, male and female, and had sailed for Bengal.

Amanulla stated, that he was a merchant, left Calicut seven months in an Arab vessel, and returned a passenger in the Great Kadry, that he had brought with him two slaves whom he had purchased at Hoodda, in Arabia, for 110 dollars; did not know of whom he had made the purchase, or their country; all he knows was, they had come from a distant country, and spoke the Abshik dialect; acknowledged he did not acquaint the custom-house officer when he landed them.

Malina Assen acknowledged he purchased a boy of an Arab of Mocha for 51 dollars, but does not know the Arab's name, nor the boy's country; that he spoke the Abshik dialect; that the traffic is very common; acknowledges he did not acquaint the custom-house officer when he brought the boy on shore.

The collector of customs having informed me some months ago, that he would send orders to the custom-house officers to afford every assistance in putting a period to traffic so contrary to law, I sent for the custom-house officer, who said that the slaves had been landed without his orders, or even knowledge, and that he only had heard of two having been brought on shore, viz. those belonging to Dadushaw Cursitjee, which person had, on Monday evening, 31st ultimo, gone to him, and offered to send them on board again if he wished.

The cutwal and court officer whom I had deputed to search the grab returned, and reported that there was one little Arab boy there, but that he was not a slave; that he had been sent on board by his parents.

Although there is no positive regulation against the importation of slaves from Arabia or elsewhere, yet it is well understood by the natives of this coast that the traffic is prohibited. Dadushaw Cursitjee and Chowakhora Cunhy Pachy appear to have been particularly culpable; the former in giving his agent such a commission, and the latter in not cautioning his people against receiving slaves on board his vessel.

They were both, as were indeed all the merchants, apprized by me, before the sailing of this vessel to Arabia, of the recent very strong and positive Act of Parliament against this traffic, (an abstract of which was published in the Bombay Courier of the 28th December 1811,) as they were also in this court during the inquiry relative to the children imported from Travancore.

The provincial court of circuit having objected, on a former occasion, to proceed to the trial of persons accused of nearly a similar crime, though attended with more
A. aggravating circumstances, and even since the receipt of the orders of government, directing that these persons shall be brought to trial, having repeated their opinion, that under the exposition of the Mohammedan law by the law officer, the attendance of the parents or relations of those children was indispensable, I have refrained from proceeding further than to call upon the persons concerned to find bail for their appearance until the receipt of an answer to this reference. I have also to request I may receive the orders of the Honourable the Governor in Council in regard to the disposal of the five slaves.

I have the honour to be, &c.

(signed) *J. H. Baber*, Magistrate, Provincial Court of Circuit,
(L.S.) Western Division.

Tellicherry, 3d Sept. 1812.

To the Magistrste in the Zillah of North Malabar.

Pursuant to an order of this court, you will herewith receive an extract from their proceedings under this date, for your information.

Given under my hand, and the seal of the court, this 17th day of August, anno Domini 1812. (signed) *J. Smee*, Second Judge, for the Register.

Extract from the Proceedings of the Provincial Court of Circuit in Western Division, under date the 17th August, anno Domini 1812.

Re-perused the communication received from the magistrate, North Malabar, on the 12th instant, reporting the orders of the Honourable the Governor in Council, to have brought for trial the prisoners in Case XV. on the calendar of the first quarter sessions of the current year, for having received, disfigured, and secreted nine free-born children, natives of Travancore, knowing them to have been stolen, all of whom the magistrate reports to have forwarded in February last to the resident in Travancore, for the purpose of being restored to their families.

The magistrate therefore requests to be informed, whether, in the opinion of the judges of the court of circuit, the presence of those children, with their parents or relations, is now indispensable.

The court having referred to the proceedings of the judge who presided at the first sessions of this year, it appears the magistrate was informed, under date the 22d of January 1812, that the law officer objected to the legality of the circar vakeel being appointed to prosecute the prisoners in Case XV. on the calendar, on the charges before alluded to, whilst the parents or relations of the nine non-adults were existing.

Under this exposition of the Mohammedan law, the judges of the court of circuit are of opinion, that the magistrate should concert measures with the resident in Travancore, to procure the attendance of the nine non-adults, with their respective parents or relations, at the fourth quarterly session, which will be held in October next.

(A true extract.) (signed) *J. Smee*, Second Judge, for the Register.
(True copy.) *J. H. Baber*, Magistrate.

The following draft of a reply is read and approved:—

To the Judge and Magistrate, Zillah, North Malabar.

Sir:—I am directed to acknowledge the receipt of your letter, dated the 3d instant, and to inform you, that the Honourable the Governor in Council desires that you will proceed according to law, against the persons concerned in the importation of five slaves from Mocha.

2.—On reference to the inclosed extract from the proceedings of the Foujdarree Adawlut, dated the 19th June 1812, you will observe, that the hakim is competent to prosecute the persons accused of receiving, disfiguring and secreting the nine free-born children, natives of Travancore.

I am, &c.
(signed) *W. Thackeray*, Chief Secretary to Government.
Fort St. George, 11th Sept. 1812.

Extract, Fort St. George Judicial Consultations, the 30th October 1812.

Read the following letter from the Secretary to the Government at Fort William:—

To W. Thackeray, Esq. Chief Secretary to Government at Fort St. George.

Sir:—I am directed by the Right honourable the Governor General in Council to acknowledge the receipt of your letter of the 11th ultimo.

2.—The exact nature of the traffic in slaves mentioned by you to be carried on from Travancore, not being stated in your letter, the Governor General in council is of course precluded from forming a judgment, whether that traffic falls within the purview of the Act of the 51 Geo. 3. c. 23. intituled, "An Act for rendering more effectual an Act made in the forty-seventh year of His Majesty's reign, intituled, An Act for the Abolition of the Slave Trade;" with respect, therefore, to that particular

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point, his Lordship in council can only observe, that he does not consider the provisions of the Act in question applicable to the importation or removal of slaves by land. It having been deemed proper, however, to consider maturely the course of measures which should be pursued by the local governments of this country, with respect to the above-mentioned statute, the following is the purport of the resolutions adopted by the Governor General in council on that subject:—

3.—The provisions of the Act being highly penal in their operation, and its object highly important, the Governor General in council has considered it proper to order a copy of it to be published in the Calcutta Gazette, for general information.

4.—In like manner his Lordship in council has directed copies of the Act to be forwarded to the local governments of Bombay, Java, of Prince of Wales Island, of Mauritius, of Ceylon, and to the residents at the Moluccas, and at Fort Marlborough.

5.—On the same principle, copies of the statutes will be forwarded to the magistrates of Chittagong and Cuttack (the only seaports, excepting Calcutta, in Bengal), in order, that in their capacity of justices of the peace under the law of England, they may aid in enforcing the provisions of the statute.

6.—The Governor in council at Fort St. George is aware, that a regulation was some time ago passed at this presidency, for preventing the importation of slaves from foreign countries; inquiries will be made, with the view of ascertaining whether the provisions of that regulation have been effectual in preventing that species of traffic; if not, a further regulation will be passed without loss of time, establishing severer penalties for the infringement of the prohibition now existing under the regulation above noticed, of the importation of slaves from foreign countries, in conformity to the spirit of the statute to which the foregoing remarks allude. In like manner, the Governor General in council begs leave to recommend, that a regulation be passed at Fort St. George, for preventing the importation of slaves by land into the territories subject to that presidency, under such penalties as the Governor in council may deem fully adequate to the prevention of that traffic.

7.—The foregoing remarks, it is presumed, will inform the Governor in council sufficiently of the construction annexed by the Governor General in council to the Act of the 51st Geo. 3. c. 23, and of the measures which it has been judged necessary to adopt at this presidency. It is scarcely necessary to add, that his Lordship in council is of opinion, that similar measures should be adopted by the government of Fort St. George, with such modifications as local circumstances may suggest, without, of course, departing from the principle on which the measures above detailed are founded.

I have, &c.
(signed) *G. Dowdeswell*, Secretary to Government.

Fort William, 26th September 1812.

P. S.—Inclosed, you will receive twenty copies of the above mentioned statute.

Ordered, in consequence, that a letter of the following tenor be dispatched to the Advocate General.

To the Advocate General.

Sir:—I am directed to transmit to you the accompanying printed copy of the Slave Trade Felony Act, with copy of a letter on the subject from the secretary to the government at Fort William, and to request, that you will state what meaeures it may appear to you incumbent on the Governor in council to adopt, in consequence of the provisions of the statute, and the orders of the supreme government.

I am, &c.
(signed) *D. Hill*, Secretary to Government.

Fort St. George, 30th Oct. 1812.

Extract, Fort St. George Judicial Consultations, 20th November 1812.

Read the following letters from the Advocate General to the Secretary to Government in the Judicial Department:—

Sir:—I have received your letter, dated the 30th ultimo: the statute 51 Geo. 3. c. 23, expressly extends to all persons residing within the Company's territories, against all of whom the penalties of felony are enacted for bringing slaves into these territories;

territories; if therefore the courts of judicature here had led the provincial courts to notice, and act upon, British statutes, (as they are bound to do, in strictness of law, when these statutes apply to them), and if the natives had also been accustomed to look to the British Parliament for legislation, nothing would be requisite to be done by any local authority, the law being already in force.

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But as the provincial courts and the suitors are accustomed to laws published by the authority of this government, I think it will be advisable and proper, for the sake of uniformity, to publish this also, either stating it to be the promulgation of a law already in force by the authority of the King in Parliament, or merely enacting the same provisions, in the form of a regulation of the government, which by the same authority of the legislature, has already been invested with the power of framing regulations for the guidance of the provincial courts.

As the Governor General in council has declared, that the statute only extends to the importation of slaves by sea, and as the objection equally applies to the introduction of slaves by land, and ought to be guarded against by similar precautions, I humbly advise, that a regulation to the same effect, in other respects applicable to the introduction of slaves by land, be published with the former; or if the purport of the statute is published here, as a regulation of this government, in the same form with other regulations, the regulation may at once be extended to all introduction of slaves, by land or sea, which I should think the more advisable shape to give to it.

I am, &c.

(signed) *Alex. Anstruther*, Advocate General.

Fort St. George, 5th Nov, 1812.

To the Secretary to Government in the Judicial Department.

Sir:—Since I addressed you on the 5th instant, on the subject of the Slave Trade Felony Act, my attention has been called to it by noticing the address of the Recorder of Bombay to the grand jury, as published in the Government Gazette here on the 29th ultimo. I have not ascertained its authority, that being immaterial to the present object.

See the Bombay Papers. See also Madras Government Gazette, 29th October 1812.

There seems to me to be no doubt of the correctness of the observations contained in the above publication, that, under strict interpretation of the statute of 1811, the commander of an Arab or other foreign Asiatic vessel carrying slaves for sale, or even only navigating partly by the slaves of the owner or commander, and entering any British port in India, becomes liable to the penalties of felony; but the consequences of the same interpretation would go much further; for although the legislature has expressly provided (s. 4.), that the Act shall not extend to the removal of slaves from one British settlement to another in the West Indies, no such exemption from punishment is allowed to the same conduct in the East Indies; accordingly, the temporary removal of a native with his family and slaves, in the ordinary course of business, from Bombay to the coast of Malabar, from either of these places to Ceylon, from Ceylon to the coast of Coromandel, or from hence to Bengal or Penang, would incur the penalties of felony. It may even be questioned, whether the importation of a slave at one port (as Masulipatam) of the same territory, from another port of which (as Madras) he has been brought, is not felony within the Act; and it seems clear, that if a merchant of Malabar goes over to the opposite islands, or if a Choliar of the coast of Coromandel pursues the accustomed traffic to Achin and Pegu, in a vessel navigated by his slaves, his return with them to the British territories, to be therein *dealt with* as slaves, is felony under the letter of the statute.

If the importation of slaves by land shall be made liable to the same penalties as the importation by sea, which I had in my former report recommended, the consequences of the above interpretation of the statute will include, in the penalties of felony, every native, who, travelling with his family and slaves, shall enter the British territories; the position of these territories render this peculiarly inconvenient. Until the assumption of the Carnatic in the year 1801, almost every native inhabitant of Madras was in the habit of spending a part of his time in almost every year in the nabob's territories, I presume, that a similar intercourse must exist between the natives of the British dominions and the neighbouring allies; upon every side, some parts of our possessions are surrounded by allied states, while other states are inclosed within the British, and a considerable portion of the traffic of the East has always been carried on by merchants travelling from one country to another with their goods, and with their attendants and slaves, to take care of those

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goods. To make this felony would be inconsistent with every principle that has hitherto regulated the legislation in the East, the basis of which is to preserve and support the existing usages.

In considering the Act, it is impossible to mistake the origin of the omission to adapt its provisions to the circumstances existing in India; the whole purview of the Act points out the trade in African slaves to the West Indies, as the evil intended to be remedied, and apparently more for the sake of uniformity and of principle, than to remedy any existing evil; the general clause of prohibition and penalty has been made to include the territories of the East India Company. But the precautions against the importation of slaves are calculated only for islands, and in the exception in favour of removals of slaves from one settlement to another, the East Indies and all other places, except the West India islands, are wholly overlooked.

The object of the legislature in the Act is not to interfere with the existing rights of masters over their slaves, but merely to destroy the inhuman traffic in the procurement of new slaves, and as that, like all other traffic, depends upon the market open to the dealers, the evident design of the legislature, in establishing severe penalties upon the importation of new slaves, is, that of preventing all temptation to to the traffic, by leaving no market open for it.

The imperfections in the statute cannot be remedied by any act of the governments in India; so far as the Act is to be applied by the King's courts, or to operate by its own force; but where the intervention of the local authority becomes requisite from its general legislative power to promulgate the intentions of the supreme legislature, it appears to me, that the local government will discharge its duty more correctly, by rectifying the mistakes which the legislature has evidently fallen into, whether from inadvertence, or from not being acquainted with local circumstances, than by enforcing the letter of the statute in particulars inconsistent with its general spirit.

Under this opinion, I advised, in my former report, that the introduction of slaves by land should be expressly prohibited under the same penalties which apply to their importation by sea; it is manifest, that if their importation by land were permitted in India, the whole act would be nugatory here, being liable to evasion by the simple expedient of landing the slaves first in a neighbouring state; and in the only instance of this traffic which has come to my knowledge, (by the late reports of the judge and magistrate in North Malabar), it might continue to be carried on with impunity, the slaves having been introduced into Malabar from the adjoining country of Travancore, where they were procured. I can have no doubt in also recommending, that in any regulation which the government may issue on the subject, the exception contained in the fourth clause of the statute, in favour of the removal of slaves from one British settlement in the West Indies to another, may be extended to similar removal from any one to any other place, in the same, or in any other settlement or possession of the King, or of the East India Company, within the Company's exclusive limits of trade; this exemption should include all removals and bringing back of slaves, whether direct and immediate, or after touching or staying at any intermediate foreign places, so as such slaves had before been slaves in the British territories.

I also think it will be proper to restrict the penalty to the introduction of new slaves procured for that purpose, or introduced for the purpose of sale; in framing a regulation for this purpose, there will be danger of leaving means of evading the law, which may be guarded against; perhaps a provision may be framed, at once sufficiently comprehensive and sufficiently precise, by excepting from the penalties of the Act, all persons who, not being subjects of the British possessions, shall enter the British territories with slaves not intended to be sold, assigned or transferred therein, and who shall not sell nor offer for sale, such slaves, while they remain in these territories, declaring any subsequent sale, transfer or assignment in the said territories, of slaves so introduced, to be conclusive proof of their having been brought for that purpose.

These suggestions here occurred to me on the subject, but it is probable that other suggestions may occur to other gentlemen better acquainted with the usages and traffic of the interior provinces.

I am, &c.

(signed) *Alex^r Anstruther*, Advocate General.

Fort St. George, 17th Nov. 1812.

Ordered, in consequence, that a letter of the following tenor be dispatched to the secretary to government at Bengal.

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To George Dowdeswell, Esq. Secretary to Government, Fort William.

Sir:—I am directed to acknowledge the receipt of your letter of the 26th of September last, and to state that, as the slave trade felony act was of course to constitute the ground work of the proposed regulation for preventing the importation of slaves into the territories subject to this government, the Honourable the Governor in council deemed it expedient to take the opinion of the advocate general with regard to the provisions which such a regulation ought to contain.

2.—It was originally the intention of the Governor in council to have caused a regulation for this presidency to be framed, in conformity to the sentiments which might be expressed by the advocate general in his reply to the reference made to him on the subject; but in consideration of the necessity of promulgating the statute 51 Geo. III. c. 23, throughout this country in the accustomed manner, and the expediency of modifying certain of its provisions, being common to all the governments of the East India Company, it has seemed to the Governor in council to be more correct to furnish the supreme government with copies of the two reports which the advocate general has submitted, to the end, that should the Governor General in council concur in the opinions therein stated, a general regulation for India may be framed, and hereafter incorporated in the separate code for this presidency.

3.—I am accordingly directed to transmit you the accompanying copies of those reports, and to express the request of the Governor in council, to be furnished with the further intructions of the supreme government.

I have, &c.

(signed) *D. Hill*, Sec^{y} to Gov^{t}.

Fort St. George, 20th November 1812.

Extract, Fort St. George Judicial Consultations, 26th January 1813.

Read the following letters from the chief secretary to government at Fort William, and from the magistrate in Zillah, North Malabar:—

To W. Thackeray, Chief Secretary to Government, at Fort St. George.

Sir:—In the letter which I addressed you on the 26th September last, respecting the trade in slaves, I had the honour to observe as follows;—"Inquiries will be made with the view of ascertaining whether the provisions of that regulation have been effectual in preventing that species of traffic; if not, a further regulation will be passed without loss of time, establishing severer penalties for the infringement of the prohibition now existing under the regulation above noticed, of the importation of slaves from foreign countries, in conformity to the spirit of the statute to which the foregoing remarks allude."

2.—I am now directed to transmit to you, for the purpose of being laid before the Honourable the Governor in council, the inclosed copy of a letter from the Provincial Court for the division of Bareilly, and of the magistrates in that division, which are mentioned to accompany it.

3.—In my letter of the above date, the Governor General in council has already expressed his opinion, that the provisions of the Act passed in the 51st year of his Majesty's reign, c. 23, can only be considered applicable to the importation and removal of slaves by sea; from the documents above noticed, it appears that the rules contained in Regulation X, 1811, have proved fully effectual in preventing the importation of slaves by land, into the territories immediately dependent on this presidency. The Governor General in council, in consequence begs leave to recommend that a regulation, corresponding in substance with the provisions of Regulation X, 1811, of the Bengal Code, be passed, with a view to the accomplishment of the same important object at Fort St. George. The provisions of the Act of Parliament will effectually restrain the importation of slaves into the British territories generally by sea.

4.—In offering these suggestions and observations, the Governor General in council is fully aware, that the provisions of that Act are subject to considerable difficulties in their application to this country. It can scarcely, however, be necessary to observe, that no legal means can be adopted by the authorities in this country, for dispensing with the observance of them. It is the intention of his Lordship in council, to draw the attention of the Honourable the Court of Directors to the subject, by the first convenient opportunity.

I have the honour to be, &c

(signed) *G. Dowdeswell*, Chief Sec. to Gov^{t}.

Fort William, 19th December 1812.

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(Copies.)—To George Dowdeswell, Esq. Chief Secretary to Government, Judicial Department, Fort William.

Sir:—Immediately on receipt of your letter, dated 26th September last, desiring us to ascertain, and report whether the provisions of Regulation X, 1811, have proved effectual in preventing the importation of slaves from foreign countries into the districts included within the limits of our jurisdiction, we transmitted a copy to each magistrate in this division, with instructions to furnish the information required, as soon as possible.

2.—We have now the honour to submit attested copies of the answers received from eight out of the nine magistrates under our authority, from which it will be evident to government, that since the promulgation of the Regulation above specified, the traffic in slaves imported from foreign countries, is almost, if not entirely, suppressed in the districts of Barilly, Maradabad, Cawnpore, Furruckabad, Etawah, Agra, Allyghur and Saharunpore South.

3.—What may be the case in Saharunpore North, whether the importation and sale of slaves there continues as formerly or otherwise, we have no means of judging; we only know by an application from the magistrate, dated 5th October last, that he was then doubtful whether Regulation X, 1811, was meant to be extended to these provinces. In our answer to that application, we gave our opinion in the affirmative, but recommended it to Mr. Grindall, to consult the Nizamut Adawlut, that being the only court competent to give a decisive interpretation of the Regulations. A few days after the dispatch of that answer your letter arrived, and was communicated to Mr. Grindall, in the manner already stated; but we have not yet received his report, and under the circumstances just mentioned, we thought it unnecessary to await the receipt of it, before we submitted the favourable reports from the other magistrates.

We have, &c.

(signed) *F. Hawkins, A. Ross*, Officiating Judges.

Barelly Court of Circuit, 4th Dec. 1812.

To Francis Hawkins, Robert Ker, and A. Ross, Esq'rs. Officiating Judges of the Circuit for the Division of Barelly.

Gentlemen:—I have the honour to acknowledge the receipt of your letter, dated the 20th instant, and to acquaint you, that I have every reason to believe, that the importation of slaves into this district has been entirely checked since the promulgation of Regulation X, of 1811.

2.—There are, however, at present an immense number of people in the city and its vicinity, who have come from the westward on account of the famine, and I understand that they dispose of their children, though the pretence is, that they give them away from inability to support them.

I have the honour to be, &c.

Zillah Furruckabad, 23d Oct. 1812. (signed) *C. Elliot*, Magistrate.

(A true copy.) (signed) *S. T. Cuthbert*, Register.

To Francis Hawkins, Robert Ker, and Alexander Ross, Esq'rs, Officiating Judges of the Court of Circuit for the Division of Barelly.

Gentlemen,—In reply to your letter of the 20th, annexing copy of a letter from Mr. Secretary Dowdeswell, I have the honour to inform you, that the provisions laid down in Regulation X, 1811, have had a very good effect in preventing the importation and sale of slaves in this district; in fact, since the issuing of the proclamation required by Mr. Thomas Brooke's letter of the 23d March 1811, on which some children were sent in by the police officers, and sent by me through the magistrate of Moradabad back to their parents, and receipts granted for them, nothing of the kind has recurred since that period, the traffic has stopped in this district, and as the police officers have received the strictest orders on the subject, I hope it will be totally put an end to.

I have the honour to be, &c.

(signed) *Hugh Wilkinson*, Magistrate.

(A true copy.) (signed) *S. T. Cuthbert*, Register.

Zillah Seharunpore, S. D. Meerut, 24th Oct. 1812.

To F. Hawkins, R. Ker, and A. Ross, Esqrs. Officiating Judges of the Court of Circuit for the Division of Barelly.

Gentlemen,—I have the honour to acknowledge the receipt of your senior judge's letter of the 20th instant, giving cover to a copy of Mr. Secretary Dowdeswell's letter relative to the importation of slaves.

I have every reason to believe that the provisions of Regulation X, 1811, have been effectual in preventing the importation of slaves from foreign countries into this district.

I have the honour to be, &c.
(signed) *R. Turner*, Magistrate.

Zillah Agra, 26th October 1812.

(A true copy.) (signed) *S. T. Cuthbert*, Register.

To F. Hawkins, Y. Burges, and R. Ker, Esq'rs. Judges of the Court of Circuit, Barelly.

Gentlemen,—In order to obtain as much information as possible upon the subject of your letter of the 20th instant, I addressed the Register of Deeds to ascertain, whether any deeds of sale of slaves had been registered by him subsequently to the promulgation of Regulation X, of 1811, a copy of my letter, and of the Register's reply, I have the honour to inclose for the information of the court, and to add, that since my succession to the duties of this office, I am not aware that any circumstance has been brought before me, which has induced me to suppose that the provisions contained in Regulation X, of 1811, have not been productive of the required object.

I have the honour to be, &c.
(signed) *John Ryley*, Officiating Magistrate.

(A true copy.) (signed) *S. T. Cuthbert*, Register.

Zillah Cawnpore, Fouzdarry Adawlut, Bittoor, 28th Oct. 1812.

To W. H. Tippet, Esq. Register of Deeds, &c. Bittoor.

Sir:—Conceiving that a reference to the Records of Registry under your charge, will enable you to furnish me with some information regarding the sale of slaves as required by the court of circuit for the information of government, in a letter of which the inclosed is a copy; I have to request, you will inform me, whether since the promulgation of Regulation X, of 1811, deeds of any such description have been registered by you, or presented for that purpose, and to what extent.

I have the honour to be, &c.
(signed) *John Ryley*, Officiating Magistrate.

(A true copy.) (signed) *S. T. Cuthbert*, Register.

Zillah Cawnpore, Bittoor, 23d Oct. 1812.

To John Riley, Esq. Acting Magistrate of the Zillah Cawnpore.

Sir:—I have the honour to acknowledge the receipt of your letter of this date, with its inclosure, and in reply, to inform you, that no deed of the description alluded to by you, has been registered in my office, or presented for that purpose, since the promulgation of Regulation X. 1811.

I have. &c.
(signed) *W. H. Tippet*, Register of Deeds.

(True copies.) (signed) *John Ryley*, Officiating Magistrate.

(True copy.) (signed) *S. T. Cuthbert*, Register.

Zillah Cawnpore, Bittoor, October 1812.

To F. Hawkins, Y. Burges, R. Ker, and A. Ross, Esqrs. Officiating Judges of the Provincial Court of Circuit of the Division of Barelly.

Gentlemen:—I have the honour to acknowledge the receipt of your letter of the 20th ultimo, relative to the efficiency of the provisions of Regulation X, 1811, in preventing the importation of slaves from foreign countries.

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This traffic has, I believe, suffered a very material check since the promulgation of the regulation, inasmuch as children are no longer brought down from the hills and publicly exposed for sale, as formerly within this district, but children are still sold within the Company's provinces, by subjects of the British government; nor does the regulation contain any prohibition of such sale; parents, prevented by poverty from rearing a large family, will dispose of their children to an advantage when offered, rather than allow them to starve; the feelings of nature will confine this traffic to cases of necessity only, and will act more forcibly than any legal prohibition in preventing abuse; it may be much doubted, indeed, whether the condition of children imported from the hills, was not in most cases much ameliorated by such importation.

I have the honour to be, &c.
(signed) *H. Dumbleton*, Magistrate.

(A true copy.) (signed) *St. T. Cuthbert*, Register.

Zillah Barelly, 10th November 1812.

To F. Hawkins, R. Ker, and A. Ross, Esqrs. Judges of the Court of Circuit for the Division of Barelly.

Gentlemen:—I have the honour to acquaint you, in reply to your letter of the 20th ultimo, that I have not heard of any importation of slaves into this district since the promulgation of Regulation X, of 1811.

The suppression of the trade is to be attributed partly to the penalties enacted against it by the regulation above quoted, and partly to the measures, which I am told, the Nypal government has lately adopted, with a view to check the commerce within its own territories; for however clamorous the officers of that government have been lately against the slave trade, and however much they have endeavoured to impress us with the belief, that the traffic was carried on clandestinely, and without their sanction, there can be but little doubt that they were once deeply concerned in it.

In support of this opinion, I beg to submit the examination of a woman who was sold into slavery by one of Beem Sah's revenue officers, in the beginning of last year, and shortly after I had issued, at the request of Mr. Brooke, the late agent of the Governor General, at Barelly, a proclamation, prohibiting the importation of slaves into this district.

I am, &c.
(signed) *G. Oswald*, Magistrate.

(A true copy.) (signed) *S. T. Cuthbert*, Register.

Zillah Moradabad, 14th November 1812.

To F. Hawkins, R. Ker, and A. Ross, Esqrs. Officiating Judges of the Court of Circuit, for the Division of Barelly.

Gentlemen:—I have the honour to acknowledge the receipt of your letter and of its inclosure of the 20th ultimo, and in obedience to the orders contained therein, beg leave to acquaint you, that I have every reason to believe, that the offence of importing slaves does not exist in this district.

I have the honour to be, &c.
(signed) *T. Perry*, Magistrate.

Koodurcote, Zillah Etawah, 18th November 1812.

To F. Hawkins and Alexander Ross, Esqrs. Judges of the Court of Circuit for the Division of Barelly.

Gentlemen:—In reply to your letter of the 20th ultimo, I beg leave to report, that from every information which I have been able to collect upon the subject of it, it does appear that the practice of importing slaves from foreign territories into this district has ever been usual, or that an instance of the kind has ever occurred.

I have the honour to be, &c.
(signed) *J. Majoribanks*, Acting Magistrate.

(A true copy.) (signed) *S. T. Cuthbert*, Register,
Judicial Department, 19th December 1812.

(True copies.) (signed) *G. Dowdeswell*, Chief Sec^{y} to Gov^{t}.

Zillah Ally Gurh Coel, 20th November 1812.

MINUTE.—The Board will give orders on the subject of the foregoing letters, when a reply to the further reference which has been made to Bengal shall have been received.

From Mr. Baber to the Chief Secretary to Government.

Sir :—I have now the honour to report my further proceedings in the investigation of the traffic in free-born persons and bondsmen, which has for some time past prevailed in this province.

2.—In my letter, dated 29th February 1812, I reported the origin of this investigation, and the number of unfortunate persons I had restored to liberty and their country; I also therein reported the obstacles that had prevented my liberating the whole, and my bringing the persons who had committed these enormities to punishment. Vol. 3. p. 49.

3.—The Honourable the Governor in council will have observed, from the 39th paragraph, the concluding part of the 94th paragraph of that report, and the accompaniment, marked F. 2, 4, viz. my return to the Provincial Court's precept, dated the 27th December 1811, that I expected a perseverance in the researches would lead to the discovery of many other persons who had also been imported into Malabar, under similar violence.

4.—In that expectation I have not been disappointed; out of eighty-five persons, for the most part natives of Travancore, were brought before me, forty-three of them had been carried out of their country by the same cruel methods, and those who were free-born, disfigured and polluted, in the same manner as noticed in the 5th paragraph of the report above alluded to; all these have, I am happy in saying, been restored to liberty, and sent to their respective countries.

5.—The persons on whom they were found were Mopillas, and accounted for the manner in which they had come by them in a variety of ways; some said they had themselves brought them from Travancore; others that they had been sent from that country by their agents; others, that they had been brought and left with them, but all acknowledged they were aware of the illegality of receiving and treating as slaves free-born persons; and when I pointed out to them the cruelty and injury done to these unfortunate people, and the punishment principals and accessaries were liable to by the British laws, they all offered to give me any security I required of them, that they never would again be concerned in similar practices, and entreated me to address government in their behalf.

6.—And on the 22d March, a petition was presented to me by the most respectable of these Mopillas, in their own and in behalf of the rest, wherein they pleaded their ignorance of these children having been stolen, adding, that it was equally their wish as mine, that they should be set free, and many other professions which shewed they were thoroughly sensible of the crime they had committed.

7.—While these preceedings were going on, the rebellion broke out in Wynaad, which unavoidably put a temporary stop to them; I took, however, the earliest opportunity my other avocations would allow, after my return to Malabar, to resume that investigation; this was not until June, on the 11th of which month I received the orders of government, dated 29th May, honouring with their approbation the inquiries and measures reported in my letter dated 29th February, directing me to continue my inquiries respecting the twelve slaves said to have been stolen, and brought to Mr. Brown's plantation, and any others I might have occasion to suspect were stolen, and forwarding for my information two letters from the advocate general, containing his opinion as to the applicability of the Acts for the abolition of the slave trade, to Mr. Murdock Brown.

8.—In consequence of these orders, I issued, in my capacity, as justice of the peace, an order to Mr. Brown, to account for the manner in which he had come by the twelve persons, and the others who had declared they had been stolen and forcibly carried to his plantation, on the ground of his assertions in his letter, dated 4th January, that he was perfectly ready to support his right to them, as soon as his property in them was impeached. A. 1.

9.—And on the same day I wrote to him, advising him of the receipt of these orders of government, and after referring him to my requisitions, dated 27th December and 3d January last, wherein I called upon him in the most earnest manner to afford me every information in his power, relative to the manner in which he had come into the possession of these persons; I, in particular, desired him to mention the individuals who had supplied him with them, to the end that I might bring A. 2.

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the guilty to punishment; and further, that I was ready to receive any evidence or documents in support of any claims he might have upon these persons.

10.—The above regulations I sent by the hands of a court delayat, with an order to the commissioner of that part of the country to go, accompanied by the delayat, and after delivering them in person, to demand that the whole of the persons who had deposed they had been stolen, be permitted to appear before me to prosecute that charge; I also sent by two Peons, a summons to the whole of those people, and furnished them with money to subsist them until their arrival at Tellicherry.

11.—On the 14th June, the order to Mr. Brown was returned, duly signed; and on the same day, I received a return to my order to the commissioner, reporting that Mr. Brown had delivered over to them fifty-two of those persons, including thirteen children; and that of the rest, seven had effected their escape from Mr. Brown on the 6th May; while I was absent in Wynaad, another had died on the 10th Yadawan; another had been sent on some business to the Eastern Forests; three were too ill to come before me, and another was detained to dress the food of the sick; that he had asked Mr. Brown for his documents, and witnesses to prove the manner he had come by these persons, to which he had replied, that he had not stolen them, and that he would produce his proof before the proper tribunal.

A. 3. 12.—I heard nothing from Mr. Brown until the 19th June, when I received a letter dated 18th, wherein, instead of supplying the information required, he resumes his accustomed strain of irrelevant reply, charging me with having, by means of a party of armed Kolkars, forced away his Pooliars and Betwas, and demands a copy of the orders under which this new act of violence, as he terms it, was committed, and also a copy of the paper signed by me, as a justice of the peace.

A. 4. 13.—Not having received any further communication from Mr. Brown, and the whole of the persons persisting in saying they had been kidnapped, and praying they might be sent back to this country, I again, on the 20th June, issued another order to Mr. Brown, telling him, if he did not account for the manner in which these people had come into his possession within six days, they would be returned to their respective countries.

14.—This order was returned on the 22d, with a declaration signed by Mr. Brown, to the purport, that he was persuaded the instrument was not a legal one; that he would take steps for the recovery of the persons I had deprived him of, and protesting in the event of these persons being dispersed before those steps were taken against me, for all losses and damages whatever that had already ensued, and might from that day ensue from such unlawful conduct.

A. 5. 15.—On the following day another letter came from Mr. Brown, inclosing copy of my order, dated the 20th, calling upon me to admit or deny the authenticity of it, and notifying, that he should consider my silence as an admission that the paper was a correct copy.

A. 6. 16.—And on the 25th I received another letter, dated also the 22d, though written in the pay office of Tellicherry, expressed in terms still more indecorous and irritating than his former, accusing me of having, on the 18th December 1811, sent one of the court officers, attended by a numerous guard of armed Kolkars, who, he says, came and drove away his people in the most inhuman manner, exposed them to hunger, inclemency of the weather, treated them like criminals, and after thus suffering for two days, which it might be supposed had rendered them sufficiently pliant, but because they would not say they had been stolen, again threatening them with being flogged if they did not say they had been stolen, in consequence of which they made no difficulty in saying any thing they found most acceptable, notwithstanding they were again detained three days and three nights in the same exposed manner, and thus properly prepared to appear before me, were sent to Tellicherry, when I obtained what I termed affidavits on oath, that they were all stolen; that these people had all of them committed perjury, as he would clearly prove in due time and place, and he thought it more than probable these papers, instead of affidavits, would turn out to be indirect or circumstancial evidence of subornation of perjury; that if his slaves had wished to go away, it was not in his power to prevent them; that all these people would come back if not detained and dispersed by violence, with express orders not to return; and after threatening to prosecute me, concludes with saying, that as these people were part of the persons that he should call upon as evidences to the charge that would be exhibited against me, again protests against their being dispersed or sent any where but to Anjarakandy, where he adds, they would all come if not detained by violence.

17.—The only part of this production I took any notice of was, wherein he said, that

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that he was ready to prove his legal acquisition of these people, of his charges against my officers of cruelty and violence, and his assertions, that all these people would, if not detained and dispersed by violence, return to him, and that if they had wished to go away, it was not in his power to prevent them.

18.—On this, I issued a third notice, that I was still ready to receive and examine any evidence or documents he might have to adduce in support of his asserted legal acquisition of these people, provided he did so within two days after the receipt of that notice. A. .

19.—And in another letter, I desired him to send me the names of the evidences, by whom he meant to prove these acts of violence he had charged the court officers with, that I might forthwith proceed to investigate that most serious charge against those officers. A. 8.

20.—I also called before me in open court, the whole of the persons brought from Anjarakandy, and questioned them on these assertions of Mr. Brown; I encouraged them by every means in my power to tell me if they had received ill treatment from my officers, but they all in the most positive manner acquitted my servants of maltreating them, and denied having told Mr. Brown they had; and in answer to my questions where they wished to go, they all said, to their country.

21.—I further sent for the overseer of Mr. Brown's labourers, in order that he himself might question the whole of these people relative to these assertions of his master, and if he could persuade them to return; that a person came on the 1st July, and said all he could to induce them to return to Anjarakandy. I also gave them the assurance of my protection if they would, but they entreated of me not send them back; and when the overseer questioned, which he did, every one of them, they shewed not the least disposition to return to Anjarakandy, excepting one, who said, the object that attracted him was, a child he had left there. A. 9.

22.—I then desired the overseers to take that person to Anjarakandy, and to acquaint Mr. Brown, that so far from any thing like compulsion, he or his people were at full liberty to see and converse with these slaves, and that no obstacle would be opposed to the whole, or as many as they could prevail upon to go back.

23.—In consequence, I again deferred sending them to their country; but hearing nothing further from his overseer, and Mr. Brown still withholding the information I had so repeatedly called upon him for, on the 4th July I sent the whole of these persons, together with the other free-born persons and bondsmen referred to in the fourth paragraph of this report in three parties, each party being accompanied by one Peon, in consequence of their expressing apprehension that they would again fall into the hands of their oppressor, and I provided each Peon with money to pay their expenses until their arrival at their respective homes. I also, on the 7th August, forwarded the three who had remained behind, until they were sufficiently recovered to perform the journey. The instructions I gave these Peons were, that they were to deliver over to the owners those who were subjects of the districts under the Company's authority, and those who were natives of the countries of Cochin and Travancore, to the nearest public functionary, with a letter I furnished them with, and I apprized the political resident, that I had done so.

24.—I ought to have mentioned, that the day previous to their departure, viz. on the 3d July, I received a report from the Mahé darogah of one of the persons (alluded to in the 44th paragraph of my report, dated the 29th February) who had been employed by Mr. Brown in bringing from the southward the twelve persons who had been stolen during the preceding year from the Cochin Rajah's country; having returned and forwarding his deposition, I accordingly had him brought up before me, and examined him relative to these twelve persons. B. 1.

25.—He deposed, that he had been desired, a little more than a year ago by Mr. Deniur, to go to Chetwai, to bring twelve Pooliars, whom he would find there, for Mr. Brown, and take some one with him; that Mr. Dineur gave him seven rupees to pay the expenses of those persons, and then he and his brother Conhy Perry went to Chetwai river, the ferryman at which place told him a Margakarin had come to inquire whether any person had come from Mr. Brown; that the Margakarin then came and asked him whether he was Mr. Brown's servant; he said he was; on which he delivered to him twelve persons, whom he received charge of, and passed a receipt for them. But when he and Cunhy Perry set off on their return with them, they all cried much, on which he promised them they should be taken good care of. On their arrival at Mahé, he saw Mr. Dineur, and shewed them to him; they were kept that night in Mr. Dineur's banksaul; Mr. Dineur then gave him one rupee for their expenses, and the next day

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Mr. Dineur gave him a letter to Mr. Brown, when he and Cunhy Perry took them to Anjarakandy, and there delivered them over to Mr. Brown, who gave him a letter to Mr. Dineur, which letter he delivered; and after giving an account of the manner he had disbursed the money he had received for their expenses, Mr. Dineur paid him at the rate of one and a quarter fanam, and Cunhy Perry one fanam per day, for their trouble.

26.—Nothing further transpiring until the 12th August, on which day I received the orders of government, dated 31st July, transmitting for my information copy of an extract from the proceedings of the court of Foujdarry Adawlut, dated 19th June, relative to the case of the three Mahé Mopillas, whom I had committed to take their trial at the first quarter sessions 1812, on the charge of strong suspicion of being privy to the kidnapping nine free-born children, natives of Travancore, disfiguring them by depriving them of their marks of caste, but whom the third judge presiding at the sessions had, for reasons explained in the 55th paragraph of my report, dated 29th February 1812, declined to try, and directing that these three persons be brought to trial.

27.—In the 94th paragraph of my letter, dated the 29th February, I reported that these nine children and eight others, natives of Travancore, had been sent to the resident, that he might cause their restitution to their parents or relations in the same way as he had already done in the instance of the eleven, who had been intercepted by the Travancore native officers while being carried out of the country.

C. 1. I therefore lost no time in informing the judges of the Provincial court of the above circumstance, and requested to know whether, in their opinion, the presence of the nine children (found in the possession of the three Mopillas) and their parents or relations, was indispensable.

28.—I was induced to make this reference in consideration of the very great inconvenience, and indeed almost impracticability of causing the appearance of the whole of these people, dispersed as they were over the extensive dominions of Travancore, and because there were numerous former precedents of prosecutions carried on at the suit of government, where the presence of the individuals, the aggrieved party, had been dispensed with by the circuit courts.

C. 2. 29.—On the 18th following, I received their answer, stating that the law officer objected to the legality of the Circar Vakeel being appointed to prosecute the persons, whilst the parents or relations of the nine non-adults were existing, and that under this exposition of the Mahomedan law, they were of opinion I should concert measures with the resident in Travancore to procure the attendance of the nine non-adults, with their respective parents or relations, at the fourth quarterly sessions which would be held in October.

B. 2. 30.—I immediately transmitted copy of this communication to the resident at the court of Travancore, requesting he would be so obliging as to interpose his influence with the Travancore government, in having forwarded to me these nine children, with their respective parents or relations, for the purpose specified in the orders from the Provincial Court of circuit; and I further requested he would return the promanums or deeds of sale which had been produced by Wallapilagata Assen Ally, the principal agent in Travancore in this inhuman traffic, in evidence of his having purchased these nine, and the children I found in Mr. Brown's possession; and further to forward the depositions taken before him or any of the local tribunals of Travancore relative to these documents, having the strongest reasons to doubt their authenticity.

31.—The Peons, who I have mentioned in the 23d paragraph, accompanied the slaves to their respective countries and owners, returned in the month of August with receipts from the proprietors who were subjects of the Honourable Company's territories, and a letter from the head native officer of Travancore and Cochin, acknowledging the delivery of all that were natives of their countries, and gave in a written report of their proceedings. These reports confirm the declarations given by the slaves, that the whole, one excepted, had been kidnapped and carried away forcibly from their countries, and are further corroborated by the writings to my address from all the proprietors; but in the absence of all these proofs, it is undesirable, that from the time Mr. Brown first commenced to import slaves, vast numbers have from time to time absconded, and returned to their old masters, and those that remain are watched by day by chooralahar (persons with canes), and in the night shut up. I am happy to add, that the condition of these slaves has been considerably improved since this inquiry was set on foot, and that they now receive

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an additional quantity of food, and four Tellicherry fanams per month, instead of one, their former allowance.

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32.—And in regard to the Nair, Tean, and other free-born Hindoo children, natives of Travancore, who have been restored to liberty, the circumstances of their having been found in a state of slavery in different parts of this zillah, deprived of their marks of caste, and associated with and made to eat the food of the Pooliars, are of themselves strong circumstantial evidence of the truth of the assertions made by these unfortunate persons, relative to the cruel methods by which they had been torn from their friends and native country; but, admitting these are exaggerated, which there is not the slightest ground to suppose, the recent decisions passed by the Travancore tribunals, in the trials of Wallapaligata Assen of Mahé, and such other natives of North Malabar as have been overtaken in Travancore, sentencing them to pay a heavy fine, and on failure of payment, to imprisonment and hard labour, from three to twelve years, for the share they respectively had in sending out of Travancore seventeen of the children lately restored to liberty, make it sufficiently manifest that the mere carrying them out of that state is a violation of the laws of that country.

33.—The resident at that court, in his letter to government, dated the 17th February 1812, has reported, that 24 persons had been actually found in the possession of a Frenchman of the name of Valley, at Quilon, confined in irons, for the purpose of being transported as slaves to the French islands; that this had given rise to very great abuses, to the clandestine seizure of children, and other acts of violence, and still continued, notwithstanding two proclamations, one published soon after the war, and another issued about six months before, or about August 1811. In the same letter, he says, many other persons are engaged in the above practice, and that he should soon have to report transactions of the same nature, carried on in Travancore, under the order of Mr. Murdock Brown.

34.—In a letter I have also lately received from the resident, in answer to my reference, dated 18th August, alluded to in the 30th paragraph, he has favoured me with a variety of particulars on this most interesting subject, and amongst other documents, forwarded an original letter from Mr. Murdock Brown, to his address, soliciting the protection of that sircar for his agent, Wallapellagata Assen Ally, the person who sent up the free-born children found in the possession of Mr. Brown, and of the Mahé mopillas, and the children who were intercepted by the Travancore officers, on the ground of his having, as he says, made the purchases after obtaining the permission of the cutwal of Aleppi, of his being a stranger, and therefore entirely ignorant of any guilt that might attach to these transactions, as if, says that distinguished officer, the circumstance of a person being a stranger in a country, and receiving co-operation from an inferior officer of a government, could justify him in committing a most flagrant outrage against its laws, and against the most obvious principles of humanity and justice.

B. 3.

35.—In the same letter he observes, the co-operation of the cutwal, who has since absconded, in the purchase and transportation of the children, and the false pretext which he employed, of having written to me for authority, furnishes no justification whatever, of Assen Ally's proceedings; and again, the circumstance of his having, according to his own statement, written to me for instructions which he never received, and still the more clandestine manner in which the unfortunate slaves were embarked, sufficiently shew, that both he and Assen Ally were entirely aware of the illegality of their proceedings. In another part, he says, "I have every reason to believe, that many of the unfortunate persons purchased by Assen Ally, were procured in the most fraudulent and cruel manner; about the time when he was carrying on his proceedings at Aleppi, I received numerous complaints of the disappearance of children, but all my inquiries at the time could not develope the causes;" and concludes with returning thanks, in the name of many families, for my humble efforts in restoring so many of these unfortunates to their parents and homes.

36.—The judges of the provincial court, on the other hand, when I reported to them, that a considerable number of children, some of the higher caste of Hindoos, for the most part kidnapped, had been recently imported into this zillah, from Travancore, from whence they had been sent by Wallapelagata Assen Ally, part to Mahé, and part to Mr. Brown's plantation, and told them I was desirous of availing myself of their experience and knowledge on this question, and solicited the assistance to these my inquiries, by informing me of the various orders which I knew

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had been issued under the high sanction of Marquis Cornwallis, on our first acquisition of Malabar, and by obliging me by the loan of Mr. Duncan's report; not content with refusing these, my most reasonable requests, have declared their opinion, that I had acted totally illegally, in ever having removed these persons from Mr. Brown's premises; and in a report made by them, under date the 17th June, to the Sudder court, pronounced my proceedings as illegal, and harsh, wanton and unnecessary.

37.—While Mr. Brown, in whose possession so many of these unfortunate persons were actually found, whose servant, Assen Ally, has been the principal agent in all this misery to the unoffending Travancorians, a man too, whose conduct has been so frequently impeached, and of whose principles it will be quite enough to say, in his own words, as they are recorded on the Mahé French archives, during the period of the French revolution, " Le Sieur Brown à plus ques rempli les conditions prescrites pour devenir François;" and again, " Mais attachés de cœur et amé a cette même constitution (après les decret constitutionel) que nous avons jurer de maintenir," has been supported by the judges of the provincial court, and encouraged by them in this opposition to my authority.

38.—The subsequent combined atrocious outrage committed on me by Lieutenant Brown, of His Majesty's 80th regiment, Mr. Douglas, the military paymaster, and Mr. Gahagan, the register to the provincial court, has been reported to the government, under date 12th October 1812, it is now therefore only necessary to add, that that transaction, and those which have been since carrying on, are, if possible, still more injurious; they have and are circulating in every European community, the grossest libels against me, which have been received and acted upon in proportion to the rank and influence of the persons who have countenanced Mr. Murdock Brown, the consequence of all which has been, that I am exposed to all the obloquy such proceedings are calculated to produce.

39.—Had I exceeded the bounds of just administration in my proceedings towards Mr. Murdock Brown, Mr. Douglas, and others, whose misconduct it has unhappily been my duty to bring to public notice, the laws were open to them, and no doubt can for a moment be entertained, of their disposition to have appealed to them, had they felt that the integrity of their conduct would have justified them; but to resort to such measures as they have, is such a proof of the nature of their cause, that if it can be imagined, that the government could require any confirmation of the accuracy of my representations, these last proceedings have supplied it.

40.—To return to the immediate subject of this address, I have now to state, that owing to the difficulties the resident in Travancore has, and is likely to experience, in collecting the parents or relations, and their children, and persuading them to come up to Tellicherry, and the objections made by the provincial court to try the persons in whose possession these children were found, without the attendance of the parents and children, I have not been able to bring them to punishment; and even were it possible to get over this difficulty, if the opinion given by the judge of circuit, that the conviction of the persons the magistrate has brought forward is absolutely hopeless, since, even was the fact of the stealth of the children substantiated by legal evidence, it appears impossible to prove that " the persons residing at Mahé could have been privy or accessory to a crime committed in Travancore," is acted upon, it is useless to bring to trial these offenders, who have been receiving and secreting these kidnapped children, or those who I reported, under date the 3d September, had recently imported children, natives of Abyssinia, from Mocha, since they will all be inevitably acquitted; the only alternative therefore left me, will be to discharge the whole of them, on their finding security for their future good behaviour.

41.—But as every consideration of humanity and policy calls for a stop being put to this pernicious traffic, which, so long as it exists, must encourage the vicious part of the community to plunder from the weaker, and in this respect be productive of the most painful sensations to parents, and of distressing loss to proprietors, who have been thus forcibly dispossessed of their children, or the cultivators of their estates, I have taken the liberty to forward herewith, such rules as have suggested themselves to me to be best calculated to arrest the further progress of these enormities, in which I have adhered as closely to the spirit of the Acts of Parliament which have been enacted for the abolition of the slave trade, as the local laws and usages would allow. These suggestions have been incorporated in the draft of

a regulation

a regulation for a more efficient system of police in Malabar, which I forwarded in the mode prescribed by the regulation, through the provincial court, under date the 14th ultimo.

I have the honour, &c.

(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 9th Jan. 1813.

(A. 1.)—Mr. Murdock Brown.

Sir:—Having received the orders of government to continue my inquiries respecting the twelve slaves said to have been recently stolen, and brought to your plantation, and any others who I may have reason to suspect were stolen, I have to call your attention to the purport of my requisitions, dated 27th December and 3d January last.

I am, &c.

(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 11th June 1812.

(A. 2.)—Mr. Murdock Brown.

Tellicherry to wit. (L. s.)

Whereas Chaky's son,	Ramen	aged about	22 years,
Aya's son,	Cheroocoran	d°	32
Chaky's son,	Ayapen	d°	18
Chaky's son,	Canden	d°	30
———	Ramen	d°	18
Chaky's son,	Canden Coran	d°	25
Chaky's son,	Chakhapen	d°	15
Aya's son,	Kai	d°	25
Neely's son,	Ayapen	d°	30
Neely's son,	Changaren	d°	40
Pony's daughter,	Neely	d°	25
Corumba's daughter,	Aya	d°	35
Aya's daughter,	Neely	d°	30
Keetha's daughter,	Kally	d°	25
Aya's daughter,	Chaky	d°	30
Kally's daughter,	Chaky	d°	30
Kaza's daughter,	Neely	d°	25
Moondee's daughter,	Chaky	d°	22
Aya's daughter,	Chaky	d°	30
Chaky's daughter,	Chaky	d°	20
Chaky's daughter,	Kally	d°	18
Chaky's daughter,	Chaky	d°	50
Cotha's daughter,	Neely	d°	28
Neely's son,	Chaten	d°	50
Chaten's son,	Wallayen	d°	—
Kally's son,	Ayapen	d°	25
Maily's son,	Ayapen	d°	7
Neely's son,	Ramen	d°	—
Kally's son,	Kandy	d°	16
Kally's son,	Chaten	d°	32
Omallah's son,	Koran	d°	25
Kally's son,	Ramen	d°	30
Chakey's son,	Chaten	d°	25
Aya's son,	Karyan	d°	19
Omalla's son,	Chaten	d°	25
Ponawa's son,	Tawan	d°	35
Towara's daughter,	Itlenady	d°	24
Anema's daughter,	Kally	d°	47
Anandara's daughter,	Poonama	d°	47
Many's daughter,	Itlianga	d°	20
Ponawa's son,	Cochatta	d°	10
Kally's daughter,	Corcomba	d°	10
Chernda's daughter,	Arcrna	d°	16
Mada's daughter,	Nelly	d°	27
Omalla's daughter,	Omalla	d°	27

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Chaky's daughter, Chaky	aged about	24
Oory's daughter, Kally	d°	15
Kally's daughter, Chaky	d°	15
Chaky's daughter, Ketary	d°	15
Itlara's daughter, Oomalla	d°	16
Chaky, of Elata caste	d°	13
Chakkan, of d°	d°	14

in the month of December last made oath before me, that they had been stolen by certain moplas and other natives, banished from their country, and transported against their will to Anjarakandy; and whereas, in your communications, dated 4th January, in answer to the magistrate's requisitions, dated 27th December and 3d January, to produce any evidence or documents you might have to adduce in support of your claims to the aforesaid fifty-two persons, it is set forth, that "your right to them you are perfectly prepared to support, as soon as your property in them is impeached," you are therefore hereby ordered to account for the manner in which the afore-mentioned persons came into your possession.

Herein fail not.

(signed) *T. H. Baber*, one of His Majesty's Justices of the peace for the town of Madraspatam and its dependencies.

Tellicherry, 11 June 1812.

(signed) *M. Brown*, Owner of the Randaterra Plantation.

To T. H. Baber, Esq. Judge and Magistrate.

Sir:—I have to report to you the death of a man named Koran, who came from Anjarakandy a few days ago. I am of opinion, that he died in consequence of the bursting of a blood vessel in his stomach, as he vomited a large quantity of blood two or three times, and died suddenly. He had no previous indisposition except a disease of the ankle, which, from its appearance, I should imagine to have been of long standing, and could not in any way affect his health.

I have the honour, &c.

(signed) *Sam. Dyer*, Assistant Surgeon.

Tellicherry, 18 June 1812.

(A. 3.)—To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—On the 12th inst. the native civil commissioner of this district, accompanied by a guard of Kolkars, delivered to me a letter from you, and at the same time exhibited another paper, signed by you as justice of the peace, and sealed, I was told, with the seal of the zillah court, which I was required to sign; and I accordingly did so, delivering that paper, as demanded by the commissioner, immediately into his hands again. It being then late in the evening, the commissioner and his guard went away for the night; next morning they returned, and having authoritatively ordered all my labourers to be collected, they selected about fifty Pooliars and Betwas, men and women, all of whom, with their children, were again forced from the plantation. The authority under which this new act of violence is committed, you state, in your letter to me as magistrate, above-mentioned, to be orders of government recently received. Of these orders I request to be furnished with copy, also with copy of the paper signed by you as justice of the peace, which, as I have mentioned, the commissioner would not leave, but required to be returned as soon as I had signed it.

With these documents before me, I shall be enabled to decide what line of conduct I am to pursue, that I may in no manner whatever deviate from the strictest obedience to the orders of government.

I have the honour to be, &c.

(signed) *M. Brown*, Owner of the Rhandaterra Plantation.

Anjarakandy, 18th June 1812.

(A. 4.)—Mr. Murdock Brown.

Tellicherry to wit. (L. S.)

Whereas, under date the 11th June, you were directed by precept to account for the manner in which 52 persons, whose names were therein mentioned, exclusive of their children, of the Wittooan and Pooliar caste, natives of the districts of South Malabar, Cochin and Travancore, who had made affidavit before me in the month

month of December last, that they had been stolen by certain mopillas, and other natives, banished from their country, and transported against their will to Anjarakandy, came into your possession; and whereas the aforesaid precept has not been complied with, Now this is to give you notice, that unless you do, within six days from this date, make good the right you say you have to the aforesaid Wettoowans and Pooliars, they will be returned to their respective countries.

(signed) *T. H. Baber,*
One of His Majesty's Justices of the Peace for the of Madraspatam and its Dependencies.

Tellicherry, 20th June 1812.

This paper has been presented to the undersigned, on Sunday the 21st June, and though he is persuaded in his own mind, that it is not a legal instrument, he nevertheless deems it necessary to answer it thus: The undersigned will take such steps as he deems necessary for the recovery of the 52 persons, (one of whom is already dead), and their children, his legally acquired property, of which the justice of the peace has by force deprived him, and in the event of those persons being dispersed before those steps are taken, he hereby protests against the justice of the peace who signs this paper, for all losses and damages whatever that have already ensued, and may from this day ensue, from this unlawful conduct of the justice of the peace.

(signed) *M. Brown,* Owner of the Rhandaterra Plantation.

(A. 5.)—To T. H. Baber, Esq. one of His Majesty's Justices of the Peace for the Town of Madraspatam and its Dependencies, Tellicherry.

Sir:—On the 21st instant, a paper was presented to me by a peon, bearing the badge of a zilla peon, which paper was dated on the 20th instant, was signed by you as one of His Majesty's justices of the peace for the town of Madras and its dependencies, and was sealed with the seal of the zillah court of North Malabar, which paper purported to be an order to me to prove my right to property, (of which you have forcibly deprived me) within six days, &c. Of this paper I now inclose a copy, the authenticity of which I call upon you to admit or deny; and I at the same time notify to you, that I shall consider your silence as an admission that the paper I now inclose, is a correct copy of the documents I have described.

I have the honour to be, &c.
(signed) *M. Brown,* Owner of the Rhandaterra Plantation.
Anjarakandy, 23d June 1822.

Mr. Murdock Brown.

Tellicherry, to wit. (L. s.)

Whereas, under date the 11th June, you were directed by precept to account for the manner in which 52 persons, whose names were therein mentioned, exclusive of their children, of the Wetoowan and Pooliar caste, natives of the districts of South Malabar, Cochin and Travancore, who had made affidavit before me in the month of December last, that they had been stolen by certain mopillas, and other natives, banished from their country, and transported against their will, to Anjarakandy, came into your possession; and whereas, the aforesaid precept has not been complied with, Now this is to give you notice, that unless you do, within six days from this date, make good the right you say you have to the aforesaid Wettoowas and Pooliars, they will be returned to their respective countries.

(signed) *T. H. Baber,*
One of His Majesty's Justices of the peace for the Town of Madraspatam and its Dependencies.

Tellicherry, 20th June 1812.

(A. 6.)—To T. H. Baber, Esq. one of His Majesty's Justices of the Peace for Madraspatam, and its Dependencies.

Sir:—From the contents of the paper issued under your hand, as justice of peace, and seal of the native civil court, dated on the 20th instant, and exhibited to me on Sunday, the 21st instant, I conclude you decline giving any answer to my address to you as magistrate, of the 18th instant, which was delivered to you on the 19th, previous to the above mentioned paper being issued. I therein requested copy of

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the orders by government, which by your letter to me of the 11th instant, signed as magistrate, you assign as the authority on which you grounded your proceedings of again forcing, in a violent manner, 52 persons, with their children, from hence. I am therefore satisfied that no such orders were received; nor, indeed, is it credible, that the government would ever issue such orders as authorized you to deprive me of my property, or to carry by force innocent people from their dwellings, and keep them like criminals under a guard. If any order has been received, the meaning of which could be so wrested as to countenance so flagrant an act, it must have been obtained by some misrepresentation of the facts that have here taken place having been laid before the government. That such misrepresentation has been forwarded, I am led to believe, from the very extraordinary assertion contained in the warrant or precept issued by you on the 11th instant, as justice of the peace, that these people had made affidavit on oath before you, that they were stolen. A greater deviation from truth than this, I conceive, could hardly be attempted; and it is therefore necessary for me now to bring to your recollection the manner in which those, what you term affidavits, were brought forth.

On the 18th December last, you sent a person belonging to the Zillah court, with a numerous guard of armed Kolkars here, who brought a letter to me saying, that you had sent that person to put certain questions to my labourers, Pooliars and Betwas; all of them were accordingly called, and the head man sent by you, put various questions to them, and wrote down their answers, as did one of my native writers. None of the people there said they had been stolen, nor preferred the smallest complaint of any kind whatever. Your agent, finding the answers were not such as were probably expected, retired to the cutcherry of the native commissioner, about two miles from hence, and from thence dispatched a letter to you, saying, that he could not examine the people effectually unless they were removed from me and my people, or something to that purport. What orders you therein issued to him, I know not; but I conclude they were such as he had asked for, as the next day he returned with his guard, and drove the whole of my people off in the inhuman manner set forth in my letter to you of the 21st of that month. They were conveyed to the commissioner's cutcherry, where they were exposed to hunger, and the inclemency of the weather, and still kept under a guard like so many criminals. After thus suffering for two days, which it might be supposed had rendered them sufficiently pliant, they were again called one by one; and as the first who were questioned gave the same answers they had done here, they were told, that what they said was not true; that they had been stolen, and they were threatened with being flogged, and otherwise punished, if they did not say so (such was the report made by several of them to me on their return); after which, they made no difficulty in saying any thing that they found was most acceptable to the people who questioned them; after being detained there three days and three nights in the same exposed manner, and thus properly prepared for appearing before you, they were sent to Tellicherry, where they were still continued under restraint, and there you obtained, what you term in your warrant or precept of the 11th instant, affidavits on oath from them, that they were all stolen, but which I believe in law will be found to be papers of a very different nature from affidavits. An affidavit is a voluntary declaration by way of complaint, or as attesting the person's knowledge of a certain fact. To be legal, it must be made and sworn to with the persons entire free will and without any restraint, especially on the part of the magistrate

These, therefore, on which you ground your present act of violence, are not affidavits, and though I am too ignorant of law to be able to give them their proper denomination, thus far I know, that these people in swearing that they were stolen, and brought here surreptitiously, have all of them committed perjury, as I shall clearly prove in due time and place; and I think it is more than probable, that these papers, instead of affidavits, will turn out to be indirect or circumstantial evidence of subornation of perjury, ground upon these, as I deem them, illegally acquired documents; you call upon me in your capacity of justice of the peace, to prove my property in the persons you have forced from me in this manner, which property, I again repeat, has never been legally questioned by any person whatever; you have deprived me of my property, and refuse to restore it to me, unless I prove my right to it, without that right having ever been contested; how you can suppose that I could sanction such an usurpation of authority by acquiescing to your exercising it over me, I know not; I can therefore only repeat what I said in my letters of 27th December and 3d January last. I am ready to prove my legal acquisition

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acquisition (under the express orders of the commissioners for the affairs of Malabar to their assistants and native darogah of Choughat) of all these persons, the major part of whom were sent to me fourteen years ago by the Company's darogah or native magistrate of Choughat, when this undertaking was carrying on for the Company, under my superintendence.

During all that period no one of these men or women have ever said here, either to me or any person else, that they were stolen, or that they had the smallest wish to return to their own districts. Wherever these people are, they can only be in a state of bondage, which, with me they never have been, at least never were treated nor looked upon as slaves, and certainly had never any wish to go from this place. If such wish had ever existed, it is out of my power to prevent their going away whenever they please.

In the papers exhibited to me on the 21st instant, you say, that if I do not make good before you (thus erecting yourself into a judge from a justice of the peace) my property, and that you will send my people to their different countries; that is, in other words, you will prevent them from returning to me, as they all would if not detained and dispersed by violence, with express orders not to return here.

Against such a proceeding I hereby warn you.

You are now acting as a justice of the peace, and as such your acts can be tried by the laws of our country. To those laws it is my intention to appeal, the Sudder Adawlut having decided, that however hostile your acts may be to my person or property, the Company's courts can give me no redress.

The first illegal seizure of these people, was the immediate cause of the death of of a boy; and the second has proved equally fatal to the life of a man, made prisoner without a crime, driven from his home in a state of sickness without cause assigned; he has expired in restraint.

As these persons unjustly forced from hence, and now unjustly, as I conceive, detained by you, are part of the persons that I shall call upon as evidences to prove the charges that will be exhibited against you, I hereby protest against their being dispersed, or sent from Tellicherry to any other place than this, to which they would all come if not detained by violence.

I am, &c.

(signed) *M. Brown*, Owner of the Randatarra Plantation.

Anjarakandy, 23d June 1812.

(A. 8.)—To Mr. Murdock Brown.

Sir:—In a letter bearing your signature, dated the 23d, to my address, and this instant received, you have charged the Zillah officers whom I ordered on duty to Anjarakandy in the month of December last, with having threatened your people with being flogged, or otherwise punished if they did not say they had been stolen, and that such was the report made by several people to you; I request you will send me the names of the persons who made you that report, that I may proceed forthwith to investigate this most serious charge against these officers.

I am, &c.

(signed) *T. H. Baber*, Magistrate.

Tellicherry, 25th June, 3 P. M.

(A. 7.)—Mr. Murdock Brown.

Whereas, in a letter bearing your signature, to my address, dated 23d, received 3 P.M. this day, it is set forth, that you are ready to prove your legal acquisition of all the persons, the Wittoowars and Pooliars, mentioned in my precept dated the 11th instant; now this is to inform you, that as the aforesaid persons have not been permitted to return to their countries, I am still ready to receive and examine any evidence or documents you may have to adduce, in support of your asserted legal acquisition of them, provided you do so within two days after the receipt of this notice.

(signed) *T. H. Baber*, J. P.

Tellicherry, 25th June 1812, 5 P.M.

(A. 9.)—The Examination of Mahikara Bawa, dated 19th Muthoonam, 987.

Question.—In whose service are you?

Answer.—I am Mr. Brown's servant.

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What is your occupation?

I am the person who pays the labourers and Pooliars; I also weigh the pepper.

You have questioned all these Wettoowars where they wish to go; what answer have they made you?

They have all said, they want to go to their country.

The whole of the Wettoowars and Wettoowaties, in answer to the question put by Mahekarem Bawa, where they wished to go, said, we want to go to our country; we will not return to Anjarakandy.

You have asked these Pooliars where they wished to go; what answer have they made you?

The whole, with the exception of Pandaloor Chatten, have answered, they all want to go to their country. Chatten says, he has left a child at Anjarakandy, and he wants to go back to see it.

The whole of the Pooliars and Poolies, in answer to the question by Bawa, where they wished to go, said, we want to go to our country, and are not willing to return to Anjarakandy, Pandaloor Chatten only, excepted, who said, that he had a little child at Anjarakandy, which he wanted to go and see.

After the above, the magistrate informed Mahekarem Bawa, in the presence of the whole court, and of the Wettoowars and Pooliars, that no impediment whatever had existed to these people to return to Anjarakandy; that he was at full liberty to say all he could to persuade them to go back with him, and desired Bawa to acquaint his master of these orders of the magistrate.

Bawa's answer.—I will communicate to Mr. Brown, what you have desired me.

(signed) *Bawa.*

Writer of the above, *Odinan.*

(Translated.) *T. H. Baber*, Magistrate.

(B. 1.)—To the Resident at the Court of Travancore.

Sir:—Since my letter, of the 29th of February, forwarding 15 free-born children of different castes, and two Pooliars, natives of Cochin and Travancore provinces, who had represented they had been kidnapped, 80 men, women and children, of different castes, have been discovered in various parts of the zillah, under similar circumstances, brought from the southward, whom I have also liberated, and allowed to return to their respective countries; of these, 44 are natives of the districts of Cochin, Travancore, viz. two of the Nair, one of the Mopla, four of the Korwan, 22 of the Tean, and 15 of the Pooliar tribes; a list thereof, and copy of my instructions to the person whom I have sent to subsist them, I inclose for your information; I also send a memorandum of sums disbursed on them and those before sent, to enable you to reimburse the Company in the amount, should you be of opinion, the charge should be more properly put to the account of the Travancore and Cochin government.

I take this opportunity of forwarding copy of a letter from government, dated 29th May, in answer to my letter on the subject of these unfortunate persons.

I have the honour to be, &c.

Zillah, N. Malabar, June 1812. (signed) *T. H. Baber*, Magistrate.

(B. 2.)—To the Resident at the Court of Travancore.

Sir:—I have the honour to transmit the accompanying copy of a precept from the judges of the Provincial Court of Circuit, forwarding extracts from their proceedings under yesterday's date, in reply to a reference I had occasion to make to them on the 12th instant, in consequence of the receipt on that day of the orders of government, directing that the persons on whom I found the nine free-born children, natives of Travancore (referred to in my letter to you under date 22d December) should be brought to trial, and have to request you will be so obliging as to interpose your influence with the Travancore government, in having forwarded to me those nine children, with their respective parents or relations, for the purpose specified in the orders received from the provincial court of circuit.

These children, with several others, were forwarded on the 29th February, under charge of Coony Amboo, one of the court delayets, together with eight others, who had also been conveyed under similar circumstances, out of their native country.

I

It will be also necessary, that the pramanums I forwarded to you by the hands of Coony Amboo, and which, in my letter, dated 29th February, I informed you had been delivered to me by Wallapagata Assen Ally, in proof of his assertion, that he had purchased those children returned, and also any depositions taken before you, or any of the local tribunals of Travancore, relative to those documents, in consequence of the request contained in the third paragraph of that letter.

I have, &c,
(signed) *T. H. Baber*, Magistrate.

Zillah, N. Malabar, 10th August 1812.

(B. 3.)—To the Judge and Magistrate, Zillah, N. Malabar, Tellicherry.

Sir;—On receiving your letter of the 18th August last, I transmitted instructions to the officers of the circar of Travancore, to forward to Tellicherry the children who had been purchased and transported from the country as slaves, and who were returned to their friends on the 29th of February last, through your humane and zealous interposition; but I request to inform you, that many difficulties have occurred in finding the places of residence of the children and their relations. The children, on their arrival in Travancore, together with the original list of them, were delivered over to the charge of the pepper surwaddy, Kareagar, who received particular instructions to ascertain their relations and homes, and to restore them to their families. The pepper surwaddy, Kareagar, reported the due execution of those instructions, but he was soon afterwards implicated in the Quilon conspiracy, and removed from office; most of his papers were destroyed or lost, and among them the list of the children, and the receipts which he obtained for them, when they were delivered to their friends. The present pepper surwaddy, Kareagar, states, that he has found many difficulties in ascertaining the places of residence of the children, and in persuading their relations to proceed with them to Tellicherry; I forward to you a copy of the last report which I have received from that office upon this subject. I shall soon arrive at Allepy, and shall then, I trust, be able to make effectual arrangements for sending the children to you.

I forward to you the proceedings of the Mawullekarey native court, on the trial of Assen Ally and Wurreain Pullah, the cutwal of Allepy, for the purchase of the children who were intercepted by the police of Travancore. Although Assen Ally has been punished by a fine of about 1,500 rupees for the purchase of those children, he is still amenable to trial and punishment, for the purchase and transportation of the others, who were discovered and returned to their country by your exertions. The court of Mawullekarey behaved with much remissness on the occasion of the trial of Assen Ally and the cutwall, and released them both without any reference to superior authority. The cutwall has since absconded, but will, I trust, be soon apprehended, his co-operation in the purchase and transportation of the children, and the false pretence which he employed, of having written to me for authority to do so, furnished no justification whatever of Assen Ally's proceedings. The cutwall had no authority whatever over the port of Allepy, or even over the police at that station. His office was merely connected with the supply and regulation of the bazaars, and there was a separate police establishment at Allepy, independent of his contract. The circumstance of his having, according to his own statement, written to me for instructions which he never received, and still more, the clandestine manner in which the unfortunare slaves were embarked, sufficiently show, that both he and Assen Allen were entirely aware of the illegality of their proceedings. The transportation of slaves from Travancore was always considered to be a flagrant breach of the laws of the country, and was positively prohibited by a proclamation issued about four years ago.

I judge it proper to forward to you an original letter which I received from Mr. Brown, soliciting the protection of the circar for Assin Ally, on the ground of his being a stranger, and therefore entirely innocent of any guilt that might attach to the purchase of the slaves, as if the circumstance of a person being a stranger in a country, and receiving co-operation from an inferior officer of a government, could justify him in committing a most flagrant outrage against its laws, and against the most obvious principles of humanity and justice. I have every reason to believe that many of the unfortunate persons purchased by Assin Ally were procured in the most fraudulent and cruel manner; about the time when he was carrying on his proceedings at Allepy, I received numerous complaints of the disappearance of children; but all my inquiries at the time, could not develope the causes of them: I have been

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subsequently too much occupied by other important matters, to be able to enter so fully into an investigation of this subject as I was desirous of doing; but I trust that, on my arrival at Alepy, I shall have an opportunity of obtaining further information regarding it. I cannot deny myself the gratification upon this occasion, of returning thanks to you in the name of many families in Travancore, for your zealous and indefatigable exertions, in restoring so many children to their parents and homes, and in checking a practice of a most cruel natuie.

I have the honour to be, &c.

Padanellum, 29th Nov. 1812.

(signed) *J. Munro,* Resident.

To Captain Munro, Resident, &c. Travancore.

Anjarakandy, 11th December 1811.

Sir:—Some time ago I was informed that the person I sent to Alepy in charge of the money to pay for the pepper, Jannurdan Pay had been put in confinement. Being unwilling to address you in his behalf until I was assured of the truth of the story, he wrote me as being the cause of his confinement. I requested of my friend, Mr. Schuler, to make inquiry into the matter, and inform me of the real circumstances of the case. He has accordingly been so good as to comply with my request; and I find the cause of his detention is, the having purchased some churmahs, after obtaining the permission of the cutwall so to do. Those from whom he purchased the churmahs granted him the usual karnoms, or deeds of sale, required on such transfers. Notwithstanding this, I understand that the rajah's officers demanded a very large fine for his release, not considering, that if there is any guilt in these transactions, it must attach to the public officer who sanctioned the purchase, and to the persons who sold the churmahs, who being natives of the country, ought to know the laws, and not to the stranger, who was ignorant of them. I am hence induced, Sir, to solicit your protection for him, and that you will obtain his release on whatever terms may appear to you reasonable, in order that he may be enabled to return to his duty here.

I have, &c.

(signed) *M. Brown.*

(C. 1.)—To the Second Judge of the Provincial Court.

The Magistrate has the honour to forward copy of a letter he has this day received from the chief secretary to government, dated the 31st ultimo, relative to case XV, on the calendar of the zillah for the first quarter sessions of the current year, and requests he may be informed, whether, in the opinion of the judges of the court of circuit, the presence of the nine non-adults (found in the possession of the prisoners) and of their parents or relations is indispensable. So long ago as the month of February, the magistrate forwarded the children to the resident at the court of Travancore, for the purpose of being restored to their families.

Given under my hand, and the seal of the court, this 12th day of August, A. D. 1812.

(signed) *T. H. Baber,* Magistrate.

Provincial Court of Circuit, (L. S.) Western Division.

(C. 2.)—To the Magistrate in the Zillah of North Malabar.

Pursuant to an order of this court, you will herewith receive an extract from their proceedings, under this date, for your information.

Given under my hand, and the seal of the court, this 17th day of August, A. D. 1812.

(signed) *J. Smee,* Second Judge, for the Register.

Extract from the Proceedings of the Provincial Court of Circuit, in the Western Division, under date the 17th Augsut A. D. 1812.

Re-perused the communication received from the Magistrate of North Malabar on the 12th instant, reporting the orders of the Honourable the Governor in Council, to have brought for trial the prisoners in case XV, on the calendar of the first quarter sessions of the current year, for having received, disfigured, and secreted nine free-born children, natives of Travancore, knowing them to have been stolen, all of whom

whom the magistrate reports to have forwarded in February last to the resident in Travancore, for the purpose of being restored to their families.

The magistrate, therefore, requests to be informed, whether, in the opinion of the judges of the court of circuit, the presence of those children, with their parents or relations, is now indispensable.

The court having referred to the proceedings of the judge who presided at the first sessions of this year, it appears the magistrate was informed, under date the 22d January 1812, that the law officer objected to the legality of the circar vakeel being appointed to prosecute the prisoners in case XV, on the calendar, on the charges before alluded to, whilst the parents or relations of the nine non-adults were existing.

Under this exposition of the Mahomedan law, the judges of the court or circuit are of opinion, that the magistrate should concert measures with the resident in Travancore, to procure the attendance of the nine adults, with their respective parents or relations, at the finish quarterly session, which will be held in October next.

(A true extract.) (signed) *J. Smee*, Second Judge, for the Register.

Extract from a proposed Draft of a Police Regulation for Zillah North Malabar, A. D. 1812.

REGULATION.

Clause 27.—First, all persons who shall themselves, or by their agents, carry away or remove by land or by water, as a slave or slaves, and for the purpose of being sold, transferred, used, or dealt with as a slave, any persons, whatever may have been their native country, who shall import, or aid or assist in the importing any such person as aforeasid, or who shall knowingly or willingly receive, confine on board any vessel or boat any such person, for the purpose of being used or dealt with as slaves, or shall let, or knowingly allow their vessels or boats to be employed in carrying away any persons as slave or slaves, or for the purpose of being sold or transferred as such, shall, on conviction, be sentenced to fourteen years transportation, or imprisonment and hard labour, for a term not exceeding five years, and not less than three years, at the discretion of the judge before whom the offender shall be tried.

Clause 2d.—Any person or persons who shall enter or serve on board any vessel or boat, used or employed in the transportation or transhipment of persons, used, detained and dealt with as slaves, and shall not give information of the same, shall be punished by imprisonment for a term not less than two years.

Clause 3d.—Nothing contained in the aforegoing clauses shall be construed to emancipate persons who, by caste, birth, and the usages of the country, are liable to domestic local slavery, nor be construed to extend to any person the penalties in clauses 1st and 2d of this section, for selling or transferring as a slave or slaves, persons of that description, provided that all such sales and transfers are done and made in the form and mode prescribed by the customs of the country. But no person or persons so held and transferred, shall be carried out of or removed beyond the district, the place of their nativity, nor shall husbands and wives, parents and children, non-adults, be separated from each other; and any person or persons buying or receiving domestic slaves, contrary to this regulation, shall forfeit their property in them, and further be punished by imprisonment for a term not exceeding two years.

Clause 4th.—All persons who are held and used as slaves, shall be entitled to, whether sick or well, able or unable to work, and in all seasons, to a daily allowance of wholesome food, and to be suitably provided with clothes and habitation; and it shall be the duty of the magistrate and police officers to see that they are properly fed and clothed, and if necessary, to constrain their masters to make them such a subsistence, and provide them with such necessaries as may be just and reasonable.

Clause 5th.—The aforegoing modification of the abolition of slavery, shall be confined and limited exclusively to persons who, by parentage, birth, by the rules of their caste, and by the usage of the land, are liable to domestic servitude, and any person or persons who may use, detain, sell, purchase, transfer or remove, by *land or by water, as a slave, any person or persons not of the aforegoing description*, shall be within the meaning of the rules prescribed in clause 1st and 2d of this section.

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XXVIII.—Clause 1st. All persons kidnapping, stealing or enticing away, any person not liable to domestic slavery, or any free-born man, woman or child, shall, on conviction thereof, be sentenced to double the penalties prescribed by clause 1st of section 27.

Claused 2d.—Any person commanding, counselling or employing his agents or dependents to kidnap, steal or entice away, any person not liable to domestic servitude, or any free-born man, woman or child, shall be considered as principals, and on conviction be sentenced to double the penalties prescribed by clause 1st of section 27.

Clause 3d.—All persons receiving and detaining any person, not liable to domestic servitude, or any free-born man, woman or child, knowing them to have been kidnapped, stolen or enticed away, shall be considered as accessories after the fact; and be sentenced, in addition to the penalties prescribed by clause 1st, section 27, to three years imprisonment and hard labour, and the having possession of such man, woman or child, shall be conclusive evidence of such knowledge.

Clause 4th.—Any person who shall compel any free-born man, woman or child of any of the Hindoo tribes to eat prohibited food, or do or cause to be done any any act or acts that shall deprive them of their caste, shall be sentenced to the penalties prescribed by clause 1st, section 27.

Clause 5th.—In cases where any free-born man, woman or child, of any of the Hindoo tribes, who shall have been kidnapped, stolen, enticed away or reduced to slavery, and who shall in consequence thereof, or of being given prohibited food, or of any other act, be held polluted and to have forfeited their caste, the injured party shall, on conviction of the offender, have such provision made to them from the property of both principals and accomplices, and all persons who have been in any way instrumental therein, as the judge before whom the case shall be tried, shall deem just and reasonable.

Clause 6th.—The rules contained in clauses 1st, 2d, and 3d, of section 28, shall equally apply to cases of bondsmen, adults or non-adults, with this difference, that the principals shall be sentenced to fourteen years transportation or imprisonment, and hard labour, for a term not exceeding five years, and not less than three years; if accessories, to seven years transportation or imprisonment and hard labour, for a term not exceeding three, and not less than one year.

(A true extract.) (signed) *T. H. Baber*, Magistrate.

Minute.—The Board will give orders on the subject of the foregoing letters, when a reply to the further reference which has been made to Bengal, shall have been received.

Extract, Fort St. George Judicial Consultations, 22d Dec. 1812.

Read the following letter:—

To Sir George Hilaro Barlow, Bart. Knight of the Bath and Governor of Fort St. George.

Honourable Sir:—Nothing less than the most imperious necessity could induce or excuse my presuming to address you on the subject of my private affairs; but the acts of the judge and magistrate of this zillah, towards myself and my property, joined to what has taken place lately at Tellicherry, incidentally arising out of those acts, leave me no alternative but that of humbly soliciting your attention to this address, and to the contents of the accompanying papers.

What Mr. Baber may have laid before you, Honourable Sir, on the subject, I know not, and therefore all I shall now say is, that for no one of those acts committed against me and my property, had he legal grounds of any description, and that if he ever (as it has been reported) shewed any records of his court, wherein my name was brought in, as in any manner connected with so inhuman and nefarious an act, as that of kidnapping children, or in such manner as to leave in the minds of those who perused them, an unfavourable impression of my character, those papers were fabrications totally devoid of truth. I say only thus much, for were I to detail all I know of Mr. Baber's machinations, for the purpose of framing a pretext on which he could ground acts of insult and injury towards me in his official capacity, I could not expect to be believed. It is, therefore, Honourable Sir, that I most humbly but most earnestly pray for an inquiry being made on the spot, into Mr. Baber's conduct in these transactions. It will then be made fully evident, whether

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whether zeal for humanity in the execution of his public duties, or motives of a very opposite character, have been the *qua animo* of his acts.

That against which I now chiefly complain was, as he asserts in his letter to me, on the 11th June, committed by your express orders to that effect. Orders which he, however, refused, on my application, to produce; I therefore did, and do still, conclude that no orders, authorizing him to take by force from me 52 persons, with their children, who were originally brought here by the orders of the Bombay government, to the local authorities in the province for the service of the Honourable Company, who had been fifteen years on the plantation, and none of them had ever breathed the smallest complaint or expressed the most distant wish to leave it, I say, it was not possible that government should have ever issued any orders to take from me, by a force of armed peons, property thus legally acquired, for the service of the Company, and subsequently transferred to me by the government, for the means adopted by Mr. Baber to create a pretext of excuse for his conduct in this particular transaction. I beg leave, honourable Sir, to refer to my letter accompanying, to him of the 23d June. Copy of the particular orders of the commissioners for the affairs of Malabar, under which the persons thus forced from me were procured and sent here by the Company's darogha, at Choughaut, I here transcribe.

To Mr. George William Gillio, Assistant at Choughaut.

Sir:—Government having been pleased to authorize the purchase of Pooliars, Betwas, and other castes of the natives, who by their own laws are in a state of bondage, for the labour of the Honourable Company's plantation in Rhandaterra; and the overseer of it having informed us that the darogha of Choughaut has now offered him thirty persons of the above description, and promised to complete a hundred, provided he be duly authorized so to do, we desire you will inform him that he has our permission to transfer to the overseer of the Honourable Company's plantation any number of the persons above described, provided it be done agreeable to the known customs and laws of Malabar relative to them; and as it appears that the Honourable Company may derive considerable benefit from the labours of those people, provided a sufficient number can be procured, we further direct that you will grant the said darogha such legal aid as he may require, in order to enable him to fulfil his promise; and that you will make it known in the districts under your charge, that those persons who are willing to dispose of this species of property to the overseer of the Honourable Company's plantation, have permission to do so.

We are, &c.

(signed) *J. Spencer.* *Ja. Hartly.* *J. Smee.*

Calicut, 20th Oct. 1798.

The original, with the several letters of the Bombay government to the commissioners, fully authorizing the acquisition of Pooliars and Betwas for this undertaking, stand on the records of that period now at Calicut.

The loss that I have already sustained, and continue to suffer, by being deprived of the labour of so great a number of people, is great, and unless they are restored to me, will prove most serious to this undertaking, for reasons which I shall hereafter show, should it become requisite. I therefore most humbly pray, Honourable Sir, that Mr. Baber be made answerable for the consequences of these unlawful acts.

Soon after Mr. Baber began these attacks against me, I attempted to get the matter brought regularly before you, Honourable Sir, through the Provincial and Sudder Adawlut courts; but in this I was disappointed; for after a very considerable delay, I was informed the judges of the Sudder court had decided, that the Company's courts could afford me neither redress, nor protection to myself or property, and that I must apply to the Supreme court. This decision placed me in a situation almost unprecedented; under the British government, to have my property forced from me, by an old and inveterate enemy, and the restoration of it refused, unless I appeared before him, and proved my right to it. I possessed no property more lawfully or publicly acquired than that which he had already forced from me, and had no security against similar violence towards what remained to me.

I therefore lost no time in applying to a professional gentleman at Madras for the purpose of bringing the matter before the supreme court there; but the tem-

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porary indisposition of that gentleman, the departure of another from the presidency, and other unforeseen accidents, have prevented its being yet proceeded in; and after more attentively considering the circumstances under which I carry on this undertaking, together with the assertion of the judge and magistrate, that in depriving me of my property he acted under the express orders of government, I am convinced that I should deviate from the respect I owe to you, Honourable Sir, as well as from the duty which I owe to my constituents in this extensive concern, was I to seek redress for the wrongs and remuneration for the losses of which I now complain, at any other tribunal than yours.

Permit me, Honourable Sir, to say, that this undertaking has strong and just claims to the protection of the government; on the faith of that protection, I have expended on it upwards of 50,000*l.* sterling, chiefly the property of my friends in England; and though, from the very unfavourable state of the markets for Indian produce, those concerned have hitherto derived no advantage, yet the Honourable Company have a clear and increasing revenue from it to an amount which the capital and labours of few individuals produce to it. During the last season I paid upwards of 7,000 rupees in the Honourable Company's treasury, in land revenue and customs, on the produce of my labours here. I erroneously supposed that Mr. Baber, satisfied with his success (obtained by the means which I am about to show) in getting me removed from my appointment in the Customs, under a censure of carelessness in the execution of the duties of it, would have ceased thenceforward his persecution of a man retired from society to agricultural labour and study. I therefore, with that respect which I feel for and owe to so high an authority, submitted in silence to the decision of the Honourable Board, without any intention of ever taking up the subject again; but as that success appears to have served rather as a spur to further endeavours to render his public authority the means of oppressing, and eventually, if in his power, of even ruining me, I must beg permission to refer to his conduct on that occasion, the most essential nature of which, produced by the inquiry here, escaped the notice of government at that time.

When the two sherishtaders of the stations at Calicut and Tellicherry were called before the principal collector to render an account of the sums which Mr. Baber charged me with having defrauded the Company of, they readily undertook to do so in the most full and satisfactory manner, from the inspection of the accounts kept with their own hands, and left in the respective custom-houses when they gave over charge. Mr. Warden accordingly sent to the custom-houses for those records kept by the sherishtadars; no such records were forthcoming. Mr. Warden then sent for the clerks and examined them, being keepers of the records, as to what had become of the sherishtadar's books; they declared, on oath, that Mr. Baber had caused all the records of the custom-houses to be removed from the public offices to his own private dwelling; that the books kept by the sherishtadars were amongst the records thus removed; but that when Mr. Baber returned (after retaining them many weeks) the records to the officers, the books of the sherishtadars were not amongst them. It is with much reluctance, Honourable Sir, that I thus intrude so long on your time; but I trust you will deem nothing superfluous that is requisite to be laid before you, for the justification of an innocent person, from deep concerted plots against his fortune and reputation. Permit me, therefore, to trace in a few words Mr. Baber's operations in the foregoing transactions. Having previously determined, when placed over me in the custom department, to find, if possible, some matter of complaint against me, he the more easily and secretly, to effect his purpose, had all the records of my superintendence removed to his private dwelling, a most unusual (and I believe contrary to regulations) proceeding, and which therefore could only have been resorted to for reasons of no common nature. After the most minute inspection of these records, he found that the collections made during the rains of one season, though duly entered as received in the English records, yet the particulars of the disbursements of those sums were only recorded in the books kept by the sherishtadars for their own use (neither of them understanding English writing) of all sums received and paid. If these latter documents were destroyed, no record of the disbursements of the abovementioned sums remained, and I must be found guilty of the charge he preferred against me; these records therefore disappeared; had they been forthcoming, no difficulty could have occurred in producing the most minute and accurate account of all the items contained in his charges against me.

I again solicit your indulgence for this long address, and have the honour to be, &c. (signed) *M. Brown.*

Anjarakandy, 1st December 1812.

(N° 3, in B.)—To Mr. Murdoch Brown.

Sir:—Having received information that a considerable traffic has been carrying on in children between persons in this zillah and the adjoined districts, and that several had been sent to your plantation at Anjarakandy, I have to request you will inform me whether you have made any purchases of that description; and in that event, that you will send me a list thereof, their caste, age, and sex, with the names of the persons from whom you purchased them, and of the agents employed by you. The darogah of Cotiote and Randaterra has received my orders to proceed to Anjarakandy, and call before him the whole of the labourers on your plantation, and put certain questions to them, with which he has been furnished.

Zillah, North Malabar, 18th Dec. 1811. I am, &c.
(signed) *T. H. Baber*, Magistrate.

To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—I have to acknowledge the receipt of your letter of the 18th instant, and have accordingly ordered all my Pooliars to appear before the darogah of Cotiote and Randaterrah to be by them questioned.

In consequence of the permission and sanction of government, soon after I began this undertaking, I have purchased many Pooliar families, and some even very lately from different quarters. As I am anxious on all occasions to conform to the established laws and regulations, it is at the same time my duty to avoid submitting in silence to any undue exertion of authority; and as I have now carried on this undertaking for thirteen years, without any requisition having been made similar to that which your letter contains, I trust you will, previous to my sending you the list you require, be so good as to favour me with the copy of the regulations which authorizes this inquest into my private concerns.

Anjarakandy, 20th December 1811, I have, &c.
(signed) *Murdoch Brown.*

To Mr. Murdoch Brown.

Sir:—I have to acknowledge the receipt of your letter, informing me you had purchased many Pooliar families, and some even very lately, from different quarters, in consequence of the permission and sanction of government soon after you began your undertaking; I have to request you will furnish me with the permission or sanction referred to, that I may report the same for the orders of government.

In answer to your last paragraph, I have to inform you, that my requisition for the list of persons sold to you as slaves, was made in virtue of the powers vested in me by the regulations as the zillah magistrate and my commission as one of his Majesty's justices of the peace.

I am, &c.
(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 20th December 1811.

To the Magistrate of the Zillah of North Malabar.

Sir:—I have to acknowledge the receipt of your letter of yesterday's date, and enclose copy of the authority of government, under which I have purchased Pooliars for the labours of this undertaking. The original stands recorded in the proceedings of the commissioners at Calicut.

Agreeable to your letter of yesterday, the whole of my Pooliars, male and female, and their children, were brought before the person who delivered me your letter, when he, assisted by the menon from Pychy, and the commissioner from Prewery, accompanied by a number of armed kolkars to guard the Pooliars, called them one by one before him, and put such questions to them as he pleased. When this examination was over, he placed twenty men, women, and children, under a guard of kolkars, under which they remained all night, and until eleven o'clock this morning, when he returned. When he went away last night, he desired that all the other hired labourers I employ, should be ready for a similar examination; this morning they were accordingly assembled at seven o'clock, and remained until the executor of your orders appeared; when, instead of examining those thus assembled, he sent his kolkars, and by force brought together all my Pooliars that had been already

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examined yesterday. I told him I protested against all such violence, and against his removing them from the plantation, as being contrary to all the existing regulations that I am acquainted with, which require that some specific complaint shall be made against any person or persons before they can be thus violently treated. My protestation was not listened to, and the whole were carried off by him and his guard of armed men, without allowing them to take their food or to feed their children, many of whom are at the breast, and only a few months old; so that it is very probable their being thus forced to go so far in the heat of the sun, it being exactly mid-day, will be the death of some of the children.

I have already noticed, that I cannot believe there is any regulation existing to authorise this oppressive interference with my property, and still less the cruelty committed on nearly 200 men, women, and children, excepting a formal complaint against the persons themselves, or a claim being made by some person to them, in consequence of some invalidity in the sale; if either of these has been to you, I imagine I ought to have been furnished with a copy of it, before this extraordinary violence was resorted to.

The sale of slaves is not only authorized by the custom of Malabar, but is expressly permitted by the Mahomedan laws, under which this country is governed, and for these thirteen years past no question has ever been put to me on the subject of my purchases, nor any complaint from any person claiming the Pooliars so purchased; and as I know, that to a reference from the principal collectors of Malabar to the Board of Revenue, on a complaint of slaves being brought from Travancore to Malabar, he was told that the trade being authorized by the law, he had no business to interfere in it; for all these reasons I now most solemnly protest against the violence you have caused to be committed on those innocent persons, many of whom were born on this plantation, from which they are now forced away without any reason whatever being assigned for such barbarous usage. I also protest against it for the loss that it has already, and must continue to make me suffer, by putting a stop to my extensive labours here, where upwards of 350 persons are daily employed, but of whose services you have deprived me.

Anjarakandy, 21st Dec. 1811. I have, &c.

(signed) *Murdoch Brown.*

P. S.—The copy of the authority granted to me by the Bombay government for the purchase of Pooliars and Betwars, is not forthcoming here, having been destroyed when this house was burnt to the ground in 1803; but the collector of Malabar can furnish an attested copy of it. I obtained one from him some months ago to send to Cochin to a person, who, under that authority, purchased and sent twelve or thirteen Pooliars, men, women, and children to me, that are amongst those whom your people have placed under a guard.

To James Stevens and Hay Clephane, Esqrs. Judges of the Court of Circuit and Appeal, Western Division, Tellicherry.

The Petition of the undersigned Murdoch Brown, Owner of the Randaterra Plantation;

Humbly showeth,—That your petitioner is under the necessity of praying for your protection against what he deems the unlawful and highly oppressive acts of the magistrate of this zillah, committed by his people and under his order, on the 20th, 21st, and 22d of this month, on your petitioner's servants, labourers, and property at this place. The accompanying two letters from that magistrate, and the copies of two letters to him in reply from your petitioner, will in part explain the nature of the grievances of which he complains; in addition to which, your petitioner begs leave to state, that of the people forced away as therein stated, a few have returned; but 113 of all ages, are detained, many of whom have been here eight and ten, and some twelve years, and a number of whom have been taught, at a very considerable expense, different branches of manufacture, and whose absence must put a stop to those branches in which they were employed for a length of time, particularly the manufacture of arrow root, and the preparation of fine cassia, both of which are objects of importance to your petitioner. Your petitioner must further observe, that of the children thus forced away and detained, the major part were born on the plantation, and bred up and taught different useful occupations at his expense; as they were driven away by the armed kolkars from the different places where they were at work and not permitted to stop here, they carried all their

tools

tools and implements with them; viz. hoes of different kinds, large billknives, and shearing hooks.

It is further necessary to observe, that the magistrate in his letter of the 18th, says, that he had ordered the darogah of Pychy, to come to Anjarakandy to put certain questions to your petitioner's people, but no mention is made of the darogah or any other person being authorized to carry them forcibly from the plantation. The darogah of Pychy never appeared, the whole was done by the person who brought your petitioner, the magistrate's letter, without his exhibiting any warrant addressed to him on that duty. He only read to your petitioner a proclamation issued by the magistrate, addressed to the inhabitants in and about this place, informing them, that the darogah of Pychy had orders to seize all my people, and was authorized to search for them in every house; and that therefore no person was to harbour or conceal any of them under pain of punishment by the magistrate. This extraordinary production proscribing about 350 innocent persons, against whom no complaint whatever existed, the person named Chatoo Menon would not leave here or give a copy of it, but proceeded to act without producing any other authority, for which your petitioner apprehends he is liable to punishment. Your petitioner must likewise notice, that his native writers were abused in the grossest language, pushed away, and threatened by armed kolkars when they attempted to get near to the Pooliars on their first examination; and that one of them in particular, a Bramin, was abused in the grossest language by one of the kolkars, because he forbid him to go into your petitioner's garden where he had no business. Your petitioner having thus briefly stated the acts of the magistrate and of those employed by him, once more most seriously entreats your protection and that of the laws, against the unlawful exertions of authority of this magistrate, because your petitioner knows from experience to what lengths he is capable of going, he having some years ago forcibly taken from your petitioner (himself being then absent) elephants and timber to the amount of 2,000 rupees and upwards, without any intimation given or any reason assigned to your petitioner or Mr. Thomas Dineur his then partner, for which your petitioner to this day has received no redress. An inquiry was made by the order of government by the principal collector, then a magistrate, before whom it was proved upon oath, that Mr. Thomas Baber's people caused your petitioner's mark to be cut out from the timber, and then had it conveyed to Tellicherry. Since then, your petitioner has heard nothing more of that business, which has hitherto been probably overlooked amongst so much of much greater importance, yet your petitioner entertains no doubt that he will obtain redress from the justice of government whenever the matter shall be again brought to their notice.

Your petitioner begs leave to add, that he has just been informed of the death of one of the Pooliar children, in consequence of the treatment he had received. That such consequences were likely to result from the measures adopted towards his people, was foreseen by your petitioner, and stated by him to the magistrate, in his letter of the 21st instant; as this death has been caused by what your petitioner considers to be an illegal act, he humbly prays that the afore-mentioned Chatoo Menon may be secured, to the end that he may be brought to trial for the same; and your petitioner shall ever pray.

Owner of the Randaterrah plantation.

Anjarakandy, 24th December 1811. (signed) *Murd. Brown.*

To Mr. Murdock Brown, at Tellicherry.

Sir:—The officers whom I deputed to search for some kidnapped children, reported to be amongst the slaves on your plantation, have returned, and brought with them seventy-six men, women and children, who say they were all stolen or forcibly carried away from their relations and masters; six of the children are not of the tribe even of unfortunate persons who are considered as slaves, two being Nayer boys, aged about eight, one a Mopella girl, aged about six, two Tean boys, aged about eight, and a Tean girl, about 12, who say they are natives of Travancore, and were within the last six months stolen from their relations, and sent by Wallapagata Assenally from Aleppy to you; I have been most particular in questioning these unfortunates, and have no doubt in my own mind, that they were kidnapped; it becomes in consequence, my duty to discover and bring to condign punishment, all those who have been

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been concerned in this inhuman traffic. I therefore most earnestly call upon you to afford me every information in your power to that end; and in regard to the others, I am ready to receive and investigate any evidence or documents that you may have to adduce in support of any claims you may have upon them.

I am, &c.

Zillah, North Malabar, 27th Dec. 1811. (signed) *T. H. Baber.*

To the Magistrate of the Zillah, North Malabar.

Sir:—I have to acknowledge the receipt of your letter of yesterday, to the contents of which I must decline giving any reply, because such a reply would be a virtual admission of what I positively deny, and have publicly protested against the legality of your conduct.

Without cause assigned, or information lodged, at least not exhibited, you have violently possessed yourself of my labourers, and of a valuable portion of my instruments of agriculture, and you now call upon me to prove my right to a possession that no one disputes with me, if such disputant does exist, the courts are open to him, and the regulations point out the course to be pursued; you might, I conceive, with equal legality, have seized any other part of my property, and made the restitution of it depend on similar terms. To these reasons, I have to add, that I have applied to a superior authority for protection and for redress of these injuries (in one instance already fatal) which my people and my property have sustained, and continue to suffer.

I have, &c.

(signed) *M. Brown.*

(True copy.) (signed) *M. Brown.*

Tellicherry, 28th Dec. 1811.

To Mr. Mur. Brown.

Sir:—Expecting to be enabled to bring to a close in the course of to-morrow, my examinations of the whole of the Pooliars found on your plantation, who asserted they had been stolen, I have now to inform you, that it is my intention to make a full report of the subject to government; but that I am still ready to hold an inquiry into the points referred to in my letter to you, dated the 27th ultimo. I cannot too strongly repeat my recommendation, that you give up the names of the persons who supplied you with the Nair, Tean and Mopla children, as well as those of the Pooliars who insist they were kidnapped. I have further to inform you, that I shall order the latter to be delivered over to any person you may send to receive charge of them, as whatever may be their final disposal, there does not appear to be any objection to employ during the interval of the reference to government, the slaves on their daily occupations; the free children will remain under my charge.

I am, &c.

Zillah, North Malabar, 3d Jan. 1812. (signed) *T. H. Baber.*

To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—I have to acknowledge the receipt of your letter of yesterday's date, and in reply, have to state to you, that since my letter to you of the 28th ultimo, having sent to Anjarakandy for particular information relative to the six persons whom you say are free people; I have now to inform you, that they were sent there by Banian Bittle Assen Ally to work on the plantation until his return from Travancore; whither he got them from their parents or relatives, or purchased them as slaves, I know not; but having no claim over them, I can have no objection to your detaining them, as I conclude a complaint has been lodged before you, on their account.

2.—With regard to the other persons who were forcibly driven from the plantation, without the smallest reason being assigned for that violent proceeding, it is totally false that they were stolen or kidnapped, nor did any of them assert such a thing, when questioned by your menon at Anjarakandy; the major part of them have been 10 or 12 years on the plantation, and the assertion, that they are now said to have made, is not even attempted to be supported by the smallest proof; my right to them, I am perfectly prepared to support, as soon as my property in them is impeached; but until that is challenged, it would, as I have already observed, in

my

my letter of the 28th ult. to you, be a virtual admission of the legality of your acts, to prove my right to that property, which nobody disputes with me, and for the recovery of which, together with redress for the wrongs and losses I have suffered, I have already addressed a superior tribunal.

With regard to the case being submitted to government, I only waited for the decision of the court of circuit, to bring the whole affair before the Honourable the Governor in council by petition, because it is impossible for me to carry on that extensive undertaking, on which so very large a sum has been expended, unless I am certain of protection from such hostile interruption and violence, as that against which I now complain. Your submitting the subject, will, I doubt not, answer that purpose, provided the case is fully explained; to which end, I hereby require, that copies of my correspondence, and a copy of my petition to the court of circuit, with the proceedings held thereon, may accompany your reference to government.

I have, &c.

Tellicherry, 4th January 1812. (signed) *M. Brown.*

To Mr. Murdock Brown.

Sir:—I have received your letter, dated yesterday; the bearer of it (Kotaly Muchna) says, that he came from Mr. Douglass's house, where, he says, you are, and that you have only just now given him that letter. I think it proper to notice this circumstance, to prevent any mistakes hereafter.

I am, &c.

(signed) *T. H. Baber*, Magistrate.

Sunday, January 5th, half-past five, P. M.

To the Magistrate of the Zillah, North Malabar.

Sir:—I have this moment received your note of this day (Sunday 5th January 1812, five, P. M.) informing me you had only then received my letter of yesterday, and that you deemed it necessary to take notice of that circumstance. The only conclusion I can draw from this is, that you have made your reference to government without the copies of the papers mentioned in my letter; I therefore now beg leave to repeat what I therein said, and to require of you, if they have not been sent, that they may be immediately forwarded.

I have, &c.

(signed) *M. Brown.*

Sunday, 45 minutes past 5, P. M. 5th January 1812.

Mr. Murdock Brown.

Sir:—My information having stated that Wallapagata Assen Ally, formerly head sheristadar in the custom-house, was the principal in this traffic in children between Travancore and this zillah, I have to request you will inform me whether Banian Bittle Assen Ally, who you inform me in your letter of the 4th, sent six children to work on your plantation, is the Assen Ally above noticed; and if not, that you will inform me of what place he is an inhabitant, and where he at present resides.

I take this opportunity of advising you, that every document connected with the subject of my late proceeding, will accompany my reference to government.

I am, &c.

(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 6th January 1812.

To the Magistrate of the Zillah at North Malabar.

Sir:—In reply to your letter of this day's date, I have to inform you, that the person mentioned in my letter of the 4th instant, is the same you have described.

I have, &c.

Tellicherry, 6th January 1812. (signed) *M. Brown.*

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To the Magistrate of the Zillah of North Malabar.

Sir:—The bearer is the person who sent from Alepy the six children mentioned in your letter of the 3d instant.

The provincial court having signified to me, there is no objection to my receiving back from you the other Pooliars and Betwas, forcibly driven from Anjarakandy on the 19th ultimo, I have, in conformity to that injunction, directed them to be received there whenever you may be pleased to send them.

I have, &c.

Tellicherry, 8th January 1812. (signed) *M. Brown.*

Second Petition of Murdock Brown, Owner of the Rhandaterra Plantation, To the Provincial Court of the Western Division;

Humbly sheweth,—That your petitioner has received the extract from the proceedings of the provincial court of the 6th instant, and in obedience to the injunctions therein contained, to vindicate himself from the accusations of the magistrate, your petitioner herewith transmits his answer to the magistrate on that subject, to which he has now to add, that the man who sent up those six persons from Travancore, is arrived from thence, and fully prepared to establish his right to them by purchase, in conformity to the laws of the country.

Your petitioner is further enjoined to state, "what commission he had given to the person who sent him up the six children from Travancore, and as to any precaution he may have adopted in restricting that person to the purchase only of such castes as are by the constitution of society in Malabar, considered as bondsmen, and transferrable by sale in like manner as other real and personal property." In reply to which, your petitioner begs leave to state, "that he never gave any commission or instruction on the subject, and that the purchase and the sending them off to work on the plantation, was solely the act of the person himself, and that your petitioner did not at any time regard them in any other light than labourers sent to work on the plantation, where there is always occupation for persons of all ages."

In regard to what are termed the depositions of 55 Pooliars and Betwas, your petitioner deems it totally inconsistent with his duty, as a man, to sanction so great a violation of the rights of property by giving any answer to them. That 200 servants or slaves, against whom not a word of information was lodged, and from none of whom the smallest complaint had been preferred, should be forcibly driven away, without a warrant exhibited, or reason assigned for so violent a proceeding; and then that their depositions should be taken forcibly, for they have been detained here in custody from the 18th ultimo to this day, and brought accusations against their master or employer, is so great a violation of every principle of British jurisprudence, and the effects of such an exertion of authority so highly injurious to your petitioner's extensive labours, that your petitioner must again pray for redress and protection against similar violent and unlawful acts. Your petitioner, therefore, can only say, that the Pooliars and Betwas brought here as abovementioned, were the major part of them sent to the plantation in the year 1799 and 1800, when the undertaking was carried on by the Honourable Company, by the Company's darogha at Choughaut Carwakaren Moopa, and under an order (copy of which is inclosed) from the commisssioner of Malabar to the assistant collector and magistrate in that district. Your petitioner deems it necessary farther to state, that all those persons were questioned on the 18th December at Anjarakandy by the person deputed, but who acted without any authority exhibited by the magistrate, at which time their answers were in total contradiction to what are now termed their depositions.

Your petitioner begs leave further to add, that soon after he undertook to superintend the undertaking at Anjarakandy, on account of the Company, in 1798, the impossibility of procuring a sufficient number of labourers to settle there, induced him to suggest the purchase of Pooliars, Betwas, and other low castes, who are and must, agreeable to the customs of the natives, always be in a state of bondage. This suggestion was approved of by the government of Bombay, and since that period your petitioner has continued from time to time, according to his means and to the facility of procuring them, to increase their number; but he begs leave to add, that in thus complying with the custom of the country, in this mode of procuring labour, he has never, at any time, considered the persons thus acquired as

slaves,

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slaves, nor deemed that he had, or has ever exercised, any greater degree of authority over them, than over his other labourers, of which the number has always been considerable; on the contrary, their condition of outcastes has been ameliorated, and themselves advanced in the scale of human beings, to be on a level, in point of comforts with, and in some respects superior to other labouring people, which facts it is in the power of the court to ascertain by inquiry on the spot; the very idea, that one man has a right to make a slave of another, is, and ever has been, repugnant to the sentiments of your petitioner. The deeds of sale of all those persons are in the possession of your petitioner, and no claim against the legality of the sales has ever been made, nor the shadow of a complaint made to the magistrate on that subject; should his property in them be legally disputed, he is prepared to prove it.

In conformity to the sentiments expressed in the proceedings of the court, with regard to your petitioner's receiving back from the magistrate the Pooliars and Betwas detained by him, your petitioner begs leave to state, that he yesterday sent a person to receive them, when the magistrate delivered 55 men, women and children, but still detains 16 Pooliars, without assigning any reason, farther than their saying they were stolen; it is admitted by the magistrate, that those people are in a state of bondage, and must have belonged to some other person, before they came into the possession of your petitioner; if therefore they had been stolen, the former owners would no doubt have long since made their appearance to claim them, but no such claim has ever appeared, and your petitioner must again repeat, that the assertion is without foundation; and he therefore submits to your Honourable Court, that those people were illegally taken from him, and continue to be illegally detained.

None of the implements of husbandry, which were carried away with the people, have been restored.

So far from the magistrate, as he asserts, being anxious to consult the feelings of your petitioner, the behaviour of the officers and armed kolkars was offensive in the extreme, the result of which was the collecting together, by means of armed men, 200 persons, and driving them from the plantation at noon day; they were carried to some miles distance, and kept there three days and three nights, under a tree, without shelter or covering, exposed to the extreme cold of the land winds at this season, from whence the death of one boy ensued; should it be urged that this boy was sick when carried from the plantation, your petitioner submits, that this is a solid reason why he ought not to have been forced away, and rather enhances than extenuates such guilt as may be found to attach to the transaction.

Your petitioner disclaims having ever made use of disrespectful language to the officers of this government; and will conclude by noticing, that by perseverance and the outlay of a very large capital, exclusive of what was expended by the Company, he has brought the plantation, in some branches, to produce what your petitioner to himself, but from the great fall in the chief article of pepper, this, for some years past, has been of more advantage to the revenue than to your petitioner, who this last year paid, in land revenue and duties on the produce of his labours, upwards of 7,000 rupees to government; and your petitioner shall ever pray.

Sic. orig.

(signed) *M. Brown*, Owner of the Randaterra plantation.

Tellicherry, 11th Jan. 1812.

To Mr. George William Gillio, Assistant at Choughaut.

Sir:—Government having been pleased to authorize the purchase of Pooliars and Betwas, and other castes of the natives, who, by their own laws, are in a state of bondage, for the labours of the Honourable Company's plantation in Randaterra, and the overseer of it having informed us, that the darogah of Choughaut has now offered him thirty persons of the above description, and promised to complete a hundred, provided he be duly authorized so to do,—we desire you will inform him, that he has our permission to transfer to the overseer of the Honourable Company's plantation, any number of the persons above described, provided it be done agreeable to the known customs and laws of Malabar, relative to them; and as it appears that the Honourable Company may derive considerable benefit from the labours of those people, provided a sufficient number can be procured, we farther direct that you will grant the said darogha such legal aid as he may require, in order to enable him to fulfil his promise; and that you will make it known in the districts under

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your charge, that those persons, who are willing to dispose of this species of property to the overseer of the Honourable Company's plantation, have permission to do so.

We are, &c.

(signed) *J. Spencer. Jas. Hartley. J. Smee.*

Calicut, 20th October 1798.

Supplemental Petition of the undersigned Murdock Brown, Owner of the Randaterra Plantation, to the Provincial Court of the Western Division;

Humbly Sheweth;—That your petitioner, in his second petition of the 11th inst. omitted to state, that so soon as he could find the person who sent up the children, said by the magistrate to be free people from Travancore, which was the day after he returned from thence; your petitioner sent him with a letter from himself to the magistrate, for the whole of the violences committed against your petitioner, though there was not the smallest connection between the case of those children asserted to have been stolen from Travancore, and your petitioner's labourers or slaves, who, the major part of them, have been on the plantation many years. Your petitioner begs leave further to state, that the above assertion of the people having been stolen from Travancore, rests solely on the speech of a child or children, after they were taken by force during the night by the cutwal of Mahé, from the houses that they were placed in.

To your petitioner he denied, that any of them are of any other caste than those which are permitted to be sold or transferred in that country, and that he would produce hundreds of them in every town in this province, there being few mopilla or Christian houses, in which there are not some of them; that he had purchased them agreeable to the custom of the country, and had all the deeds of sale ready to produce.

Your petitioner begs leave to state, that he has recovered the implements of agriculture carried off with these people, on the 20th ultimo.

And your petitioner shall ever pray.

(signed) *M. Brown*, Owner of the Randaterra plantation.

Tellicherry, 17th January 1812.

To Mr. Murdock Brown.

Wallapagata Assen Ally having stated to the court, that he had omitted two children in his examination on the 8th, and that instead of six, he had sent eight to you at Anjarakandy, where, he adds, they at present are, you are hereby directed to deliver up forthwith the aforesaid two children to the bearer.

Given under my hand and the court seal, this 24th day of January, A. D. 1812.

(signed) *T. H. Baber*, Magistrate.

To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—The eight children mentioned by Assen Ally, were all taken to Tellicherry by your people, and two of them were sent back by your own orders with other Pooliars some days ago, for what purpose I know not; they are now, agreeable to your orders respecting them, delivered to the bearer hereof.

I am, &c.

Anjarakandy, 24th January 1812. (signed) *M. Brown.*

To Mr. Murdock Brown.

Whereas [*here follows fifty-two names of men, women, and children,*] in the month of December last, made oath before me, that they had been stolen by certain moplas and other natives, banished from their country, and transported against their will to Anjarakandy; and whereas in your communications dated the 4th January, in answer to the magistrate's requisitions dated the 27th December and 3d January, to produce any evidence or documents you might have to adduce in support of your claims to the aforesaid fifty-two persons, it is set forth, that your right to them you are perfectly prepared to support, as soon as your property

perty in them is impeached; you are therefore hereby ordered to account for the manner in which the aforementioned persons came into your possession. Herein fail not.

(signed) *T. H. Baber,*
One of His Majesty's Justices of the peace for the Town of Madraspatnam and its dependencies.

Tellicherry, 11th June 1812.

(True copy) (signed) *M. Brown.*

To the Magistrate of the Zillah of North Malabar, Tellicherry.

Sir:—On the 12th instant, the native civil commissioner of this district, accompanied by a guard of kolkars, delivered to me a letter from you, and at same time exhibited another paper, signed by you as justice of the peace, and sealed, I was told, with seal of the Zillah court, which I was required to sign, and accordingly did so, delivering that paper, as demanded by the commissioner, immediately into his hands again, it being then late in the evening; the commissioner and his guard went away for the night; next morning they returned, and having authoritatively ordered all my labourers to be collected, they selected about fifty Pooliars and Betwars, men and women, all of whom, with their children, were again forced from the plantation. The authority which this new act of violence is committed, you state in your letter to me as magistrate abovementioned, to be orders of government recently received; of these orders I request to be furnished with a copy; I also request to be furnished with a copy of the paper signed by you as justice of the peace, which, as I have mentioned, the commissioner would not leave, but required to be returned as soon as I had signed it.

With these documents before me, I shall be enabled to decide what line of conduct I am to pursue, that I may in no manner whatever deviate from the strictest obedience to the orders of the government.

I have, &c.

Anjarakandy, 18th June 1812. (signed) *M. Brown.*

To Mr. Murdock Brown.

Whereas under date the 11th June, you were directed by precept, to account for the manner in which fifty-two persons, whose names were therein mentioned, exclusive of their children of Wetwas' and Pooliar's caste, natives of the districts of South Malabar, Cochin, and Travancore, who had made affidavit before me in the month of December last, that they had been stolen by certain mopillas and other natives, banished from their country, and transported against their will to Anjarakandy, came into your possession; and whereas the aforesaid precept has not been complied with; Now this is to give you notice, that unless you do within six days from this date, make good the right you say you have to the aforesaid Wettoowars and Pooliars, they will be returned to their respective countries.

Tellicherry, to wit. Seal of the Zillah Court.

(signed) *T. H. Baber,*
One of His Majesty's Justices of the peace for the Town of Madraspatnam and its dependencies.

Tellicherry, 20th June 1812.

(True copy) (signed) *M. Brown.*

Added the following protest to the above.

This paper has been presented to the undersigned, on Sunday the 21st June, and though he is persuaded in his own mind that it is not a legal instrument, he nevertheless deems it necessary to answer it thus:—The undersigned will take such steps as he deems necessary for the recovery of the 52 persons (one of whom is already dead) and their children, his legally acquired property of which the justice of the peace has by force deprived him; and in the event of those persons being dispersed before those steps are taken, he hereby protests against the justice of the peace who signed this paper, for all losses and damages whatever that have already ensued, and may from this day ensue from this unlawful conduct of the justice of the peace.

(signed) *M. Brown.*

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To T. H. Baber, Esq. one of His Majesty's Justices of the peace for the Town of Madraspatnam and its dependencies.

Sir:—On the 21st inst. a paper was presented to me by a peon, bearing the badge of a zillah peon, which paper was dated on the 20th inst. was signed by you as one of His Majesty's justices of the peace for the town of Madras and its dependencies, and was sealed with the seal of the Zillah court of North Malabar, which paper purported to be an order to me to prove my right to property (of which you have forcibly deprived me) within six days, &c.; of this paper I now enclose a copy, the authenticity of which I hereby call on you to admit or deny; and I at the same time notify to you, that I shall consider your silence as an admission that the paper I now enclose is a correct copy of the documents I have described

I have, &c.

Tellicherry, 23d June 1812. (signed) *M. Brown.*

To T. H. Baber, Esq. one of His Majesty's Justices of the peace for Madraspatnam and its dependencies.

Sir:—From the contents of the paper issued under your hand, as justice of peace, and seal of the native civil court, dated on the 20th instant, and exhibited to me on Sunday the 21st instant, I conclude you decline giving any answer to my address to you, as magistrate, of the 18th instant, which was delivered to you on the 19th, previous to the above-mentioned paper being issued. I therein requested copy of the orders of government, which, by your letter to me on the 11th instant, signed as magistrate, you assign as the authority on which you grounded your proceedings of again forcing, in a violent manner, fifty-two persons, with their children, from hence. I am therefore satisfied that no such orders were received; nor, indeed, is it credible that the government would ever issue such orders as authorized you to deprive me of my property, or to carry by force innocent people from their dwellings, and keep them like criminals under a guard. If any orders have been received, the meaning of which could be so wrested as to countenance so flagrant an act, it must have been obtained by some misrepresentation of the facts that have here taken place having been laid before the government. That such misrepresentation has been forwarded, I am led to believe, from the very extraordinary assertion contained in the warrant or precept issued by you on the 11th instant, as justice of the peace, that these people had made affidavits on oath before you that they were stolen; a greater deviation from truth than this, I conceive, could hardly be attempted, and it is therefore necessary for me to bring to your recollection the manner in which these, what you term affidavits, were brought forth.

On the 18th of December last, you sent a person belonging to the zillah court, with a numerous guard of armed kolkars, here, who brought a letter to me, saying, that you had sent that person to put certain questions to my labourers, Pooliars and Betwas; all of them were accordingly called, and the head man sent by you, put various questions to them, and wrote down their answers, as did one of my native writers. None of the people then said they had been stolen, nor preferred the smallest complaint of any kind whatever. Your agent finding the answers were not such as were probably expected, retired to the cutcherry of the native commissioner, about two miles from hence, and from thence dispatched a letter to you, saying that he could not examine the people, or something to that purport. What orders you therein issued to him I know not, but I conclude they were such as he had asked for; as the next day he returned with his guard, and drove the whole of my people off in the inhuman manner set forth in my letter to you of the 21st of that month. They were conveyed to the commissioner's cutcherry, where they were exposed to hunger and the inclemency of the weather, and still kept under a guard, like so many criminals. After this suffering for two days, which, it might be supposed, has rendered them sufficiently pliant, they were again called one by one; and as the first who were questioned gave the same answers they had done here, they were told that what they said was not true; that they had been stolen, and they were threatened with being flogged, and otherwise punished, if they did not say so. Such was the report made by many of them to me on their return, after which they made no difficulty in saying any thing that they found was most acceptable to the people who questioned them. After being detained three days and three nights in the same exposed manner, and thus properly prepared for appearing before you, they were sent to Tellicherry, where they were still continued

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under restraint, and there you obtained what you term, in your warrant or precept of the 11th instant, affidavits on oath from them that they were all stolen; but which, I believe, in law will be found to be papers of a very different nature from affidavits. An affidavit is a voluntary declaration by way of complaint, or as attesting the person's knowledge of a certain fact; to be legal, it must be made and sworn to with the person's entire free will, and without any restraint, especially on the part of the magistrate. These, therefore, on which you ground your present act of violence are not affidavits; and though I am too ignorant of law to be able to give them their proper denomination, thus far I know, that these people, in swearing that they were stolen, and brought here surreptitiously, have all of them committed perjury, as I shall clearly prove in due time and place; and I think it is more than probable, that those papers, instead of affidavits, will turn out to be indirect or circumstantial evidence of subornation of perjury, grounded upon those, as I deem them, illegally acquired documents. You call upon me, in your capacity of justice of the peace, to prove my property in the persons you have forced from me in this manner, which property, I again repeat, has never been legally questioned by any person whatever; without the smallest ground of any kind whatever, you have deprived me of my property, and make the consideration of restoration depend on my proving my right to it, without that right having ever been contested. How you can suppose that I could sanction such an usurpation of authority, by acquiescing to your exercising it over me, I know not; I can therefore only repeat, what I said in my letters on the 27th December and 3d January last, that I am ready to prove my legal acquisition (under the express orders of the commissioners for the affairs of Malabar to their assistants, and native darogha of Choughaut) of all these persons, the major part of whom were sent to me fourteen years ago by the Company's darogha, or native magistrate of Choughaut. While this undertaking was carrying on for the Company, under my superintendence, during all that period, no one of these, either men or women, have ever said here, either to me or to any person else, that they were stolen, or that they had the smallest wish to return to their own districts. Wherever this people are, they can only be in a state of bondage, which with me they never have been; at least, never were treated nor looked upon as slaves, and certainly never had any wish to go from this place; if such wish had ever existed, it was out of my power to prevent their going away whenever they pleased.

In the paper exhibited to me on the 21st instant, you say, that I do not make good before you (thus erecting yourself into a judge from a justice of the peace) my property, &c.; that you will send my people to their different countries; that is, in other words, you will prevent them from returning to me, as they all would, if not detained and dispersed by violence, with express orders not to return here. Against such a proceeding I hereby warn you.

You are now acting as a justice of the peace, and as such your acts can be tried by the laws of our country. To these laws it is my intention to appeal; the Sudder Adawlut having decided, that however hostile your acts may be to my person or property, the Company's court can give me no redress.

The first illegal seizure of these people was the immediate cause of the death of a boy, and the second has proved equally fatal to the life of a man, made prisoner without a crime; driven from his home in a state of sickness, without cause assigned; he has expired in restraint.

As these persons, unjustly forced from hence, and now unjustly, as I conceive, detained by you, are part of the persons that I shall call upon as evidences to prove the charges that will be exhibited against you; I hereby protest against their being dispersed or sent from Tellicherry to any other place than this, to which they would all come, if not detained by violence.

I am, &c.

(signed) *M. Brown*, Owner of Rhandaterra Plantation.

Anjarakandy, 23d June 1812.

Mr. Murdock Brown.

Sir:—In a letter bearing your signature, dated the 23d, to my address, and this instant received, you have charged the zillah officers, whom I ordered on duty to Anjarakandy, in the month of December last, with having threatened your people with being flogged and otherwise punished, if they did not say they had been stolen,

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and that such was the report made by several people to you; I request you will send me the names of the persons who made you that report, that I may proceed forthwith to investigate this most serious charge against these officers.

I am, &c.
(signed) *T. H. Baber*, Magistrate.

Tellicherry, 25th June 1812, P. M.

Mr. Murdock Brown.

Whereas, in a letter bearing your signature, to my address, dated 23d, received three P. M. this day, it is set forth, that you are ready to prove your legal acquisition of all the persons, the Weetoowars and Pooliars, mentioned in my precept, dated the 11th instant. Now, this is to inform you, that as the aforesaid persons have not yet been permitted to return to their countries, I am still ready to receive and examine any evidence or documents you may have to adduce in support of your asserted legal acquisition of them, provided you do so within two days of the precept of this notice.

(signed) *T. H. Baber*,
One of his Majesty's Justices of the peace for the town of Madraspatnam and its dependencies.

Tellicherry, 25th June 1812.

Ordered in consequence, That a letter of the following tenor, be dispatched to the solicitor to the Honourable Company:—

To the Solicitor to the Honourable Company.

Sir:—With reference to the opinions submitted in the advocate general's letters, dated the 14th April, 14th May, 5th and 17th November, and 3d December 1812, I am directed by the Honourable the Governor in council, to transmit to you for the further consideration and report of the advocate general, the inclosed copy of a letter, dated the 1st instant, from Mr. Murdock Brown.

I am, &c.
(signed) *W. Thackeray*, Chief Secretary to Government.

Fort St. George, 22d Dec. 1812.

Approved, and ordered accordingly.

Extract of a Letter from the Governor in Council of Fort St. George, to the Court of Directors in the Judicial Department, dated 1st March 1815.

Par. 48.—In the 92d and following paragraphs of the letter which we addressed to your Honourable Court from this department, under date the 5th March 1813, we informed you of the proceedings which had taken place at this presidency, in consequence of the statute passed in the 51st year of His Majesty's reign, for rendering more effectual an Act previously passed for the abolition of the slave trade; and related the substance of a correspondence with the supreme government, which had arisen from a reference made by us for their instruction, as to the propriety of giving full effect to the statute, and the manner in which it should be made public, and which in its course had also involved the consideration of the measures best adopted for remedying the defects, as appeared to exist in the provisions of the Act of Parliament, as applicable to the British territories in India.

49.—In continuation, we now beg leave to bring to the notice of your Honourable Court, the correspondence which has since passed upon this subject, and the measures which we have adopted with regard to it.

Cons. 9 March 1813.

50.—On our proceedings, noted in the margin, is recorded the reply of the supreme government to the communication, which, in the 111th paragraph of our address to your Honourable Court, above alluded to, we informed you that we had made to them. From it we learned, that the Governor General in council did not deem it advisable to adopt the suggestion which we had offered, that a general regulation for India might be framed with respect to the slave trade. He conceived, that by following the course recommended in former communications from the supreme government, of enacting a separate regulation for each presidency, uniformity would be maintained at the different presidencies, in the laws regarding slaves, in as great a degree as their different circumstances would admit: it occurring to his Lordship in council, that severe penalties might be required at Fort St. George

or

or Bombay, for preventing the importation of slaves by land, than those which had proved sufficient for that purpose in Bengal. In all other respects, the laws and regulations which had been established in Bengal, respecting the importation of slaves from foreign territories, and their sale within the British possessions, might, in the opinion of his Lordship in council, be adopted at the presidencies of Fort St. George and Bombay.

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51.—Being now made fully acquainted with the sentiments of the supreme government, with respect to the course to be pursued by us regarding the slave trade, we caused the Fouzdarry Adawlut to be furnished with a copy of the correspondence which had taken place upon the subject. We, at the same time, directed that court to frame a regulation in conformity with the instructions on the subject, which had been received from the supreme government; and desired, that a particular provision might be inserted in it, for the purpose of detecting and punishing the crime of kidnapping children. We also suggested the propriety of providing against those difficulties, which the magistrate in North Malabar had experienced, in prosecuting the parties committed by him for the crimes of kidnapping children, and trafficking in slaves.

52.—With reference to the paragraphs from 114 a' 118 of our letter from this department, dated the 5th March 1813, we beg leave to bring to the notice of your honourable court, the letters from the chief secretary to the government of Fort William, and the honourable Company's solicitor at this presidency, recorded on our proceedings noted in the margin. Those documents show it to be the opinion of the advocate general in Bengal, as well as of the present advocate general at this presidency, that no British subject can have a legal claim to the person or services of any one residing within the limits of the British territories as a slave; and that the law ought to be strictly enforced, in case of any violation of it, in a point of so great importance.

Consultations, 13th April 1813. 10 Sept. 1813.

53.—Having received a communication from the Foujdarry Adawlut, submitting for our orders a reference made by the judge on circuit in the western division, regarding the authority of the local courts to try persons accused of trading in slaves, we referred the point of law for the opinion of the advocate general, and at the same time directed that certain persons, whose committal by the magistrate in North Malabar had given occasion to the reference, should be discharged.

D° 23d March 1813.

54.—We were afterwards informed of the opinion of the advocate general, that the local courts possess no authority to try the offences in question; and we have since intimated to the magistrate in North Malabar, our desire, that should any violations of the Slave Trade Felony Act be hereafter committed within the limits of his jurisdiction, and should he be able to procure evidence sufficient to lead to the conviction of the offenders, he would, in the capacity of one of his Majesty's justices of the peace, take the proper steps for bringing them to trial, before the supreme court of judicature at Madras.

D° 13th April 1813. D° 9th July.

55.—On our proceedings, noted in the margin, is recorded a correspondence with Mr. Brown, the proprietor of the plantation at Randaterra, relative to certain measures adopted by the judge and magistrate in North Malabar, with the view of putting a stop to the traffic in slaves from Travancore into Malabar. Your honourable court will observe, on reference to those proceedings, that Mr. Brown advanced a claim to the support of government, in a prosecution which he stated it to be his intention to institute against Mr. Baber, the magistrate in North Malabar, on account of the injury which he had sustained from the removal of some slaves from his plantation, by Mr. Baber. This claim he founded upon the conditions of the agreement, by which the plantation, together with its stock, of which the slaves in question formed, as he stated, a part, was made over to him by the Company in the year 1802-3. Upon being informed, however, that in the event of his instituting a prosecution against Mr. Baber, the Company's law officers would be instructed to defend that gentleman. Mr. Brown acquainted us that it was not his intention to prosecute Mr. Baber for what he now considered as an act of the government, but presumed that government would not require payment for the slaves, of whose services that act had deprived him.

D° 13th June 1813. 13th July. 31st August.

56.—This communication from Mr. Brown did not appear to us to require any immediate notice. When the claims of government upon that gentleman come in course of being discharged, it will be sufficient time to inquire, whether any ground for abating them arises from the proceedings of the magistrate for detecting and putting a stop to the traffic in slaves.

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Extract, Fort St. George Judicial Consultations, the 9th March 1813.

Read the following letter from the chief secretary to government at Bengal:

To David Hill, Esq. Secretary to the Government at Fort St. George.

Sir:—I am directed by the right honourable the Governor General in council, to acknowledge the receipt of a letter from you, dated the 20th November last, with its inclosures.

2.—It is presumed, that the observations and suggestions contained in my letters to the chief secretary of the 26th September and 19th December last, will have sufficiently informed the honourable the Governor in council of the course which, in the opinion of his lordship in council, should be pursued by the local governments of India with respect to the slave trade.

3.—It only remains to notice the suggestion contained in your letter, for framing a general regulation with respect to the above question. By following the course adverted to in the preceding paragraph, the Governor General in council conceives that uniformity will be maintained at the different presidencies in the laws regarding slaves, as far as the circumstances of the different presidencies will admit; it occurring to his Lordship in council, that severer penalties may be eventually required at Fort St. George or Bombay, for preventing the importation of slaves by land, than those which are stated to have proved efficient for the accomplishment of that object in Bengal. In all other respects his Lordship in council conceives, that the laws and regulations now established in Bengal respecting the importation of slaves from foreign territories, and the sale of such slaves within the limits of our possessions, may be adopted at the presidencies of Fort St. George and Bombay.

I have, &c.

(signed) *G. Dowdeswell*, Chief Secretary to Government.

Fort William, 30th January 1813.

Ordered, in consequence, that a letter of the following tenor be dispatched to the register to the Court of Foujdarry Adawlut:

To the Register to the Court of Foujdarry Adawlut.

Sir:—I am directed by the honourable the Governor in council, to desire that you will lay before the Foujdarry Adawlut the accompanying copy of a correspondence which has taken place with respect to the course to be pursued by this government regarding the slave trade.

2.—The Governor in council desires that the Foujdarry Adawlut will frame a regulation, in conformity to the instructions on the subject which have been received from the supreme government, and that a particular provision may be inserted in it, for the purpose of detecting and punishing the crime of kidnapping children.

3.—It may also be proper to provide against those difficulties, which, as the Foujdarry Adawlut are aware, the magistrate of North Malabar experienced in prosecuting the parties committed by him for the crimes of kidnapping children, and trafficking in slaves.

I have, &c.

(signed) *David Hill*, Secretary to Government.

Fort St. George, 9th March 1813.

List of Packet.

N° 1.—To the Register to the Court of Suddur Adawlut, dated 9th March 1813.
N° 2.—From the Secretary to Government, Fort William, dated 26th September 1812.
N° 3.—To the Advocate General, dated 30th October 1812.
N° 4.—From - D° - - - 5th November 1812.
N° 5.—From - D° - - - 17th d°
N° 6.—To the Secretary to Government at Bengal, dated 20th November 1812.
N° 7.—From the Chief Secretary at Bengal, dated 19th January 1813, with an inclosure.
N° 8.—From - - D° - - at D° - dated 30th D°.

(signed) *David Hill*, Secretary to Government.

Fort St. George, 9th March 1813.

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Extract, Fort St. George Judicial Consultations, the 23d March 1813.

Read the following letter from the Register to the Court of Foujdary Adawlut to the Secretary to the Government in the Judicial Department:

Sir:—I am directed by the Foujdary Adawlut to transmit to you the accompanying extract from the court's proceedings of this date, with a reference from the third Judge in the Western Division, and to request you will lay it before the Honourable the Governor in council.

I have, &c.
(signed) *Edward Wood*, Register.

Foujdarry Adawlut Register's Office, 9th March 1813.

Extract from the Proceedings of the Foujdary Adawlut, under date 9th March 1813.

Read letter, dated the 8th ultimo, from the third Judge in the Western Division, inclosing an extract from the calendar, received from the magistrate of the Zillah of North Malabar, for the first sessions of the year, with copy of a precept issued by him to the magistrate, and of the magistrate's return thereto.

In the case in question, four persons, one of whom is described to be the makodah of a grab vessel, had been committed for trial, at the prosecution of the government, charged with having imported at Tellicherry, five natives of Abyssinia, as slaves.

And in return to the third judge's precept, requiring "to be informed under what authority or existing regulation the magistrate had committed the said persons to be tried by a local court of judicature;" the magistrate certifies, that he had committed them under the statute 51 Geo. III. c. 23. "for rendering more effectual the former Acts for the abolition of the slave trade, by which any traffic of slaves within the territories of the East India Company, subsequent to the 1st January 1812, is declared to be felony."

Under the explanation furnished by Mr. Baber, of his proceeding in the case, the court are to presume, that in holding the parties to bail for appearance to take their trial for the felony with which they stand charged under the statute 51 Geo. 3, c. 23, he acted, not in virtue of the authority vested in him, as magistrate of the Zillah of North Malabar, but in his capacity of justice of the peace, under the law of England.

And the point of reference is, whether his commission, as justice of the peace, empowers him to commit persons so offending, for trial before a court of jail delivery, constituted as provided in regulation I, of 1811, and exclusively governed as to its powers, proceedings and decisions, by all the rules contained in the existing regulations for the guidance of the criminal courts.

But whatever may be the opinion of the court on this point, as the discussion involves a question upon the construction of an Act of Parliament, which also is not before them, the court deem it to be their duty to submit the third judge's letter and inclosures to the government, with their request, that the Honourable the Governor in council may be pleased to direct, that the subject receive such consideration as may appear to him best calculated to lead to a decision thereupon.

And adverting to the delay which may be occasioned by this reference, the court further beg leave to submit the propriety of ordering the discharge of the parties in this case, who, it may be assumed, had no reason to suppose that the act for which they have been made the objects of a criminal prosecution, was a public wrong.

Ordered, That extract of these proceedings be transmitted to Mr. Secretary Hill, for the purpose of being laid before the Honourable the Governor in council.

(A true extract.) (signed) *Edward Wood*, Register.

Ordered, in consequence, That letters of the following tenor, be dispatched to the Company's solicitor, and to the register to the court of Foujdarry Adawlut:—

To the Honourable Company's Solicitor.

Sir:—I am directed by the Honourable the Governor in council to transmit to you, for the consideration of the advocate general, the annexed copy of a letter from the register to the Foujdarry Adawlut, with the extract from the proceedings of that court, which accompanied it, and to desire that you will, as soon as may be con-

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venient, communicate, for the information of the Governor in council, the opinion of the advocate general upon the point in question.

2.—I am directed to add, that orders have been given for discharging the parties who had been committed to take their trial.

I am, &c.

(signed) *David Hill*, Secretary to Government.

Fort St. George, 23d March 1813.

To the Register of the Court of Foujdarry Adawlut.

Sir:—I am directed by the Honourable the Governor in council, to acknowledge the receipt of your letter, dated the 9th instant, and to state, for the information of the Sudder Adawlut, that the general point of law brought into question, has been referred for the opinion of the advocate general.

2.—Agreeably to the opinion of the Foujdarry Adawlut, the Governor in council desires, that the parties who have been committed to take their trial on the charge of having imported five slaves at Tellichery, may be liberated.

I have, &c.

(signed) *David Hill*, Secretary to Government.

Fort St. George, 23d March 1813.

Extract, Fort St. George Judicial Consultations, 13th April 1813.

Read the following letter from the chief secretary to government at Bengal:

To William Thackeray, Esq. Chief Secretary to Government at Fort St. George.

Sir:—It having been deemed advisable to take the opinion of the advocate general, on the question to which your letter of the 22d January last refers; I am directed to request, that you will lay before the Honourable the Governor in council, the inclosed copy of a letter from Mr. Shettell on that subject.

2.—The advocate general having stated it as his opinion, that it is quite impracticable as the law at present stands, for any British subject to support a claim to the person or services of any one residing within the limits of the British territories as a slave; and the opinion corresponding entirely with the sentiments entertained by the Right honourable the Governor General in council on the subject, his Lordship in council thinks that every case of that nature which may be brought before the Governor in council of Fort St. George, should be regarded as an illegal and unauthorized assumption of power, and that legal measures should be resorted to, should circumstances appear to require it, against any British subject so acting in violation of the law.

I have the honour to be, &c.

(signed) *G. Dowdeswell*, Chief Secr to Govt.

Fort William, the 6th March 1813.

Ordered, in consequence, That letters of the following tenor be dispatched to the register of the court of Sudder Adawlut, and to the Company's solicitor:—

To the Register of the Court of Foujdarry Adawlut.

Sir:—With reference to Mr. Secretary Hill's letter, under date the 9th ultimo, directing that a regulation be framed for the prevention of the slave trade, I am directed by the Honourable the Governor in council, to transmit to you for the further information of the court, the inclosed copies of a letter, dated the 22d January last, to the chief secretary at Fort William, with the inclosed extract from Anstruther's report, and of Mr. Dowdeswell's reply, under date 6th ultimo.

I have the honour to be, &c.

(signed) *William Thackeray*, Chief Secr to Govt.

Fort St. George, 13th April 1813.

To the Solicitor for the Honourable Company.

Sir:—With reference to the papers regarding the traffic in slaves carried on on the coast of Malabar, recently submitted to the late advocate general, and to the report of Mr. Anstruther on that subject, I am directed to transmit to you the inclosed

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inclosed copy of a letter, dated the 6th ultimo, from the chief secretary to government at Fort William, and to desire, that you will ascertain, whether it is the opinion of Sir Samuel Toller, that, under the opinion and instructions conveyed in that letter, it is necessary to adopt legal measures with regard to the persons whose services are claimed by Mr. Brown.

I am, &c.

(signed) *William Thackeray*, Chief Secretary to Government.

Fort St. George, 13th April 1813.

Extract, Fort St. George Judicial Consultations, 30th April 1813.

Extract Letter from the Honourable Company's Solicitor, dated 15th April 1813.

I have also submitted to the advocate general, Mr. Secretary Hill's letter to me, of the 23d March last, with the copies of papers annexed from the register to the Foujdarry Adawlut; and I have to inform you, that the advocate general is of opinion that the zillah court has no jurisdiction to try the offences in question, and that by virtue of the statute 51 Geo. 3. c. 23. s. 6. it is properly referrible to the admiralty jurisdiction of the supreme court of Madras.

Extract, Fort St. George Judicial Consultations, 15th June 1813.

Read, the following letter from Mr. M. Brown to W. Thackeray, Esq. chief secretary to government, Fort St. George.

Sir:—On the 1st of December last, I had the honour to address the Honourable the Governor in council, briefly stating the injuries and heavy losses sustained from the unwarrantable conduct of Mr. Thomas Baber, in his capacity of judge and magistrate of this zillah (the particulars of which were fully detailed in the documents that accompanied my address), and praying that an inquiry might be instituted on the spot, for the purpose of ascertaining the truth and justice of my complaints.

Six months have now elapsed without my having been honoured with any acknowledgment of or reply to that letter, during which I have continued to suffer the serious loss therein complained of; the respect that I owe to government has necessarily prevented me from pursuing any other course for the purpose of obtaining redress and remuneration for the injuries and losses that I have sustained, and for the more important end of exposing the unlawful acts of the magistrate above mentioned, in consequence of which, and the inhuman treatment they received, two human beings lost their lives.

I therefore most humbly solicit to be informed, whether I may or not expect that my prayer for inquiry will be granted.

I have, &c.

(signed) *M. Brown*, Owner of the Rhandaterra Plantation.

Anjarakandy, 1st June 1813.

The following draft of a reply was read, and approved:—

To Mr. Murdock Brown, North Malabar.

Sir:—I am directed to acknowledge the receipt of your letter, dated the 1st inst. and to inform you, that his Excellency the Governor in council has no objection to your pursuing any course which you may judge proper, with the view of obtaining the redress to which you conceive yourself to be entitled.

I am, &c.

(signed) *D. Hill*, Secretary to Government.

Fort St. George, 15th June 1813.

Extract, Fort St. George Judicial Consultations, 9th July 1813.

Read, the following letter from the magistrate in the zillah of North Malabar, to the secretary to government, Fort St. George.

Sir:—I have the honour to submit, for the consideration of his Excellency the Governor in council, copy of two depositions given by a boy named Kapire, and his mother, a poor blind woman, of the Muckquaor caste of fishermen, in consequence of an attempt made by an Arab, calling himself Meerza*, who had come to

* But named Abdul Ruzee.

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to Malabar with some horses for sale, to carry off the former for the purpose of holding or selling him as a slave, in which he would have succeeded, had I not, by the merest chance, met them about thirty miles from Tellicherry, a few days ago, when I was employed in examining the bridges lately constructed under my directions on the new eastern road.

The account the boy gives of himself is, that he was enticed away from a Banian shopkeeper, where he had been placed by his friends, by this Arab, who, after keeping him five days, prevailed upon him by promises of giving him plenty of food and clothes, to accompany him to Mysore, and that accordingly he accompanied him to the gaut, when he was met by me, and brought away. The mother declares she missed her son for several days, and knew nothing of what had become him until restored to her.

I did not prevent the Arab from prosecuting his journey, as he made no kind of hesitation in giving the boy up, and seemed thankful he had escaped so well; and in the very imperfect state (it would seem by the decisions of the provincial court of circuit, as reported in my letters, dated the 29th February 1812, and 9th January 1813, and the late orders of the Sudder Fouzdarry court, in the case of the four prisoners I committed for trial, as principals and accessories in the purchase, transport, and introduction, in August last, into Tellicherry, of five children, natives of Abyssinia, as slaves) the law stands at present on this interesting question, it would not appear to be required of me to proceed against these offenders.

Two other instances of this abominable traffic have recently occurred, which it may not be irrelevant in this place to notice. One was of a young girl about fourteen years old, of the Telinga caste, who was brought to this town in May last, by an Arab named Hadjee Peer Mahomed, on his way to Mecca. The girl would not go on board the ship, and the Arab was as positive in insisting she should, when fortunately the police officers got intimation of what was going on, and brought both of them before me. The girl stated, she was originally of Hindoo parents, and had been sold by them to the Madras Nawaub, who had given her to the Arab Hadjee Peer Mahomed, in return for some "Kerbulla Mutty" he had brought from Arabia; she said she did not wish to go with him, as she knew she would be sold. The Arabs gave the same account of her, and as he could have no right over her person, I permitted her to go wherever she liked best, and cautioned the Arab against molesting her. The girl has taken her own free will since, taken up her abode at the house of the provincial court Moofty.

The other was a boy who had come from Arabia, and most probably a native of Africa, brought by an Arab named Sayed Mahomed Cadiri to this coast, and carried to Coorug. The circumstance I did not know of until after the arrival of the Arab here last month with an elephant for sale, which I was informed the Rajah had given him in return for the slave boy. The Arab himself admits he left the boy with the Rajah's moonshee; knowing however how anxious the Rajah is to obtain these slaves, I have little doubt this boy is added to the unfortunate list of persons held in slavery at Madikary. In my letter dated the 3d September 1813, the government would have observed, that part of the Abyssinian boys imported here, were for the rajah of Coorug; and I have heard, that the rajah has sent his agents to make more purchases at Goa, between which port and Mozambique, the traffic has being carried on to a considerable extent, as is evident from one of the slave ships calling and taking in water at Calicut so late as the 2d of November last, as reported in my letter of the 10th of the same month.

Numerous complaints have also been preferred to me by natives stealing forcibly, carrying away, or inveigling slaves under a pretended right to them, and which must continue more or less as long as slavery is tolerated here; there is no subject more worthy of the humane consideration of his Excellency the Governor in council, than the system of slavery; and although it appears doubtful, whether the laws made to abolish the slave trade extend in their operation to slaves which have been born slaves within any British island, colony, or settlement, it cannot, I should think, be a question, that they are equally entitled with free-born persons to the fullest protection of government, not only against kidnappers, but all manner of ill usages from masters.

It was with this view of the subject, that I took the liberty to introduce in my proposed draft of a police regulation, a few rules upon the general question of slavery in these provinces; and the expediency of some such legislative provision will be still more manifest to his Excellency the Governor in council, when I inform him, that nothing can be more abject and wretched than the condition of that degraded

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degraded race of mortals, the slaves of Malabar, whose, (to use the words of Mr. Francis Buchanan in his tour through Malabar, &c.) "huts are little better than mere baskets, and, whose diminutive stature and squalid appearance, evidently show a want of adequate nourishment."

I take this opportunity of informing his Excellency the Governor in council, that I have not heard of a single native of the Travancore and Cochin provinces, free-born or bondsmen, having been brought into the zillah since January 1812, and that I attribute the discontinuance of this inhuman practice to the well-timed examples and general arrangements made under the direction of the British resident at those courts.

I have the honour to be, &c.

(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 26th June 1813.

Information given by Kapire, son of Muckwaty Chakky, and nephew Karumben, of the Muckqwa caste, aged nine years.

While I was living with my friends, my carunan, an uncle, placed me with a Tellicherry Banian, when one day an Arab came there and told me, if I would go with him, he would give me plenty of food, clothes, and rice; I went and remained with him five days without any body's knowledge, during which, he told me me if I would accompany him to Mysore, he would give me clothes; I said I must first ask leave of my family, on which he said, you need not do that; he then gave me more food and curry, and took me out of Tellicherry over a large river, and thence to Cotiam; and on the second day, carried me again with him until we met the sahib, who seeing me, ordered the Muckywars to carry me to Tellicherry.

(Translated.) (signed) *T. H. Baber*, Magistrate.

The Deposition of Chakky Mukquaty.

My son Capire was placed with a Banian now two years, who took care of him and gave him his food, when, on the fire breaking out in the Muckqwa village, I missed my son, and was going about inquiring after him, when the Muckqwa, who had been with the sahib (magistrate) to the Gauts, returned and brought my son, telling me, they had met him on the road in company with an Arab, and had brought him back by order of the sahib.

(Translated) (signed) *T. H. Baber*, Magistrate.

To the Magistrate in the Zillah, North Malabar.

The judge holding the quarter sessions, observing in the calendar, submitted to him, of persons committed for trial at the said sessions, under number IX, four persons charged with being principals and accessories in the purchase, transport and introduction into Tellicherry, of certain natives of Abyssinia as slaves, requires to be informed, under what authority or existing regulation, the magistrate hath committed the said persons to be tried by a local court of judicature.

Given under my hand and seal, this 6th day of February, A. D. 1813.

(signed) *H. Clephane*, Third Judge.

Under the statutes, 51 Geo. 3. c. 23. for rendering more effectual the former Acts for the abolition of the slave trade, by which any traffic in slaves within the territories of the East India Company, subsequent to the 1st January 1812, is declared to be felony. The Act applies in all its consequences and penalties to all persons residing or being within the King's or Company's territories, including therefore the native subjects of the government of Fort St. George.

Given under my hand and seal, this 6th day of February A. D. 1813.

(signed) *T. H. Baber*, Magistrate.

To the Magistrate in the Zillah of North Malabar.

You are hereby directed to cause the persons held to bail in cause number IX, on the calendar, first quarterly sessions, A. D. 1813, to appear before the court of quarterly sessions now holding on Tuesday the 6th inst.

Given under my hand and seal, the 5th day of April A. D. 1813.

(signed) *H. Clephane*, Third Judge, C[t] of C[t] W. D.

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To the Magistrate in the Zillah, North Malabar.

The persons committed by you for trial, before the court of quarterly sessions, under number IX, of the calendar, first quarterly sessions, A. D. 1813, having been this day, in pursuance of an order from the Fouzdarry Adawlut, discharged from the bar, you will be pleased to cause the security bonds given for their appearance to stand trial, to be cancelled.

Given under my hand, and the seal of the court, this 6th day of April, A. D. 1813.

(signed) *H. Clephane*, Third Judge, C^t^ of C^t^ W. D.

The bail bonds entered into for the appearance of the prisoners, in case N° IX, referred to in the annexed precept, have been cancelled.

Given under my hand, and the seal of the court, this 6th day of April, A. D. 1813.

(signed) *T. H. Baber*, Magistrate.

First Quarterly Sessions 1813.—EXTRACT from the Calendar of the PRISONERS committed, or held to bail, by the Magistrate of the Zillah, North Malabar, to take trial before the Court of Circuit for the Western Division.

N°	NAMES of the Parties.	Abstract of the Charges and Date on which they were preferred.	Date of Apprehension.	Names of the Prosecutor's Witnesses.	Abstract of the Examination, Grounds, and Date of Commitment for Trial.	Names of the Prisoners held to Bail.	Names of the Witnesses on the part of the Prosecution.
IX.	The Government by Vakeel Sheshaguree Row *versus* Nacodah Shed Senagoo, Shake Davood Malamy, Ussen Aman Oolah.	1st Prisoner, in having received on board his vessel, Grab Kadry, some time in the month of July last, as Slaves, five natives of Abyssinia, in Africa, bought by the 2d, 3d, and 4th prisoners at Mocha, in Arabia, and receiving freight for them, and importing them at Tellicherry, on or about 30th August 1812. 2d Prisoner, in having purchased two of the above African Slaves at Mocha, and landed them at Tellicherry, from the 1st Prisoner's vessel, on or about 30th August 1812. 3d Prisoner, in having purchased one of the above African Slaves, and brought her with him to Tellicherry in 1st Prisoner's vessel, and landing them there on or about 30th August 1812. 4th Prisoner, in having purchased two of the above African Slaves, and brought them with him to Tellicherry in 1st Prisoner's vessel, and landing them there on or about 30th August 1812.	1 Sept. 1812	Chanakaren Cunhy Packey Ero Menon Darashain	1st Prisoner acknowledged he received on board his Grab Kadry, at Mocha, these five African Slaves, and landed them at Tellicherry; also, that he received freight for them. 2d Prisoner acknowledges he purchased two of these Slaves while at Mocha for 84 dollars, and brought them in the Grab Kadry. 3d Prisoner acknowledges he purchased one of these Slaves for 51 dollars, and brought her in the 1st prisoner's vessel. 4th Prisoner acknowledges he purchased two of these Slaves for 110 dollars at Mocha, and brought them with him in 1st Prisoner's vessel. Committed the Prisoners for trial on their own confessions.	On bail.	

(A true copy.) (signed) *T. H. Baber*, Magistrate.

The following draft of a reply, is read and approved:—

To the Magistrate in the Zillah of North Malabar.

Sir:—I am directed to acknowledge the receipt of your letter of the 26th ultimo, and to desire that, should any offences against the Slave Trade Felony Act, be hereafter committed within the limits of your jurisdiction, and should you be able to procure evidence sufficient to lead to the conviction of the offenders, you will, in the capacity of one of his Majesty's justices of the peace, take the proper steps for bringing them to trial before the supreme court of judicature at Madras.

I am, &c. &c.

(signed) *D. Hill*, Secretary to Government.

Fort St. George, 9th July 1813.

Extract, Fort St. George Judicial Consultations, the 13th July 1813.

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Read the following letter from Mr. Browne, in North Malabar :—

To D. Hill, Esq. Secretary to Government.

Sir :—I have the honour to acknowledge the receipt of your letter of the 15th inst. informing me, " that his Excellency the Governor in council has no objection to my pursuing any course which I may deem proper, with the view of obtaining the redress to which I conceive myself to be entitled."

No notice being taken of my repeated prayer, for inquiry into the conduct of the magistrate of the Zillah of North Malabar, the result of which, I can have no doubt, would have produced an order from the government, for the restoration of the property forcibly and illegally taken by him from the plantation, I find myself unavoidably compelled, by my duty to the Honourable Company, as a person in charge of their property, and thereby bound to preserve it by every lawful means in my power, to submit to his Excellency the Governor in council, the following brief statement of facts :—

In the year 1802-3, the Honourable Company's plantation in Rhandaterrah, with all the property and stock then upon it, was made over to me, to be carried on at my own expense, and as my own property, on a mutual agreement between the government of Madras and myself, which provided for the reimbursement of the Company by instalments, for all the property and stock, and with some exceptions for the whole amount of the charges incurred by the Honourable Company on the said plantation. Now, Sir, the slaves forced away by the magistrate from the plantation, were part of the property thus made over to me by the government, and for which the Honourable Company no doubt expect reimbursement in whole or in part. Thus situated in the management of a most extensive agricultural undertaking, which pays annually to the government a very considerable and annually increasing sum, and in the success of which, the Honourable Company's interests are so intimately concerned, I did expect the protection of the government against all violence whatsoever, but more especially against that of their own officers, who act under its immediate control.

To obtain this protection, and thereby recover the property of the plantation, no endeavour on my part has been wanting; I first addressed the provincial court to which the magistrate is amenable for all official acts. That court did order the restoration of the property, which order the magistrate did partially comply with, by sending back a part of the slaves, whom however, he afterwards again forced away, without assigning the smallest reason for so doing, as he constantly refused to shew any authority whatever for those repeated acts of violence.

The provincial court deemed it necessary to delay the further consideration of my complaint until a reference was made to the Sudder Court at the presidency; the decision of which was, that the Company's Court can afford me no redress.

Thus, undeceived in the conclusions I had drawn from a perusal of the government regulations, that all acts of magistrates and zillah judges, were without exception, subject to the control and judgment of the Provincial and Sudder Court respectively, and told that I could obtain no relief through that channel, I submitted the case for the consideration of the Honourable the Governor in council, praying for inquiry and redress; after six months had elapsed, without receiving any answer to my address, I renewed that prayer, and have received an answer, above quoted from you, which leaves me no alternative but that of prosecuting Mr. Thomas Baber, in the supreme court, for acts committed by him in his capacity of magistrate, under a power received directly to him from the Honourable the Governor in council. This short statement of facts, I have deemed it my bounden duty to submit to his Excellency the Governor in council, in order to prove when and where it shall become necessary to the Honourable the Court of Directors, that no exertion on my part for the preservation and recovery of property, which still virtually belongs to them, and also for shewing the necessity I am under at this state of the business, of solemnly declaring, that I consider the Honourable Company as responsible for their refusing to protect me, in the possession of the property made over to me by themselves, from the acts of their own servants, over which they have unlimited control.

It is further necessary for me here to state, that the value of the fifty-two Pooliars and Betwas, taken from the plantation, is of a nature of such importance to the undertaking, that one of the chief branches of cultivation, upon which a very

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large sum of money has been expended, has been and must continue in a great measure at a stand, from my being deprived of them; that this consequence would ensue Mr. Baber well knew; and thence the selection of those very persons who were, from the knowledge that had been taught them fourteen years before at a very heavy expense, of the greatest value to the undertaking.

Being thus reduced to the necessity of prosecuting in the Supreme Court for the recovery of property virtually belonging to the Honourable Company, I beg to be informed, whether his Excellency the Governor in council will be pleased to permit the Honourable Company's law officers to prosecute the suit.

As nothing can be more opposite to my intention than to deviate in the smallest degree, by word or deed, from the profound respect I owe to and entertain for his Excellency the Governor in council, nothing, I trust, will be found in this address that can be construed into such deviation, nor any thing beyond what my duty in the unprecedented situation in which I am placed, imperiously calls on me to state; if, however, my judgment in this respect shall be deemed erroneous, I shall withdraw it, on the first intimation I shall receive from you of its being so considered.

I have, &c.

(signed) *M. Brown*, Owner of Rhandaterra Plantation,

Calicut, 30th June 1813.

Ordered, in consequence, that letters of the following tenor be dispatched to Mr. M. Brown, and to the Company's solicitor:—

To Mr. M. Brown, Calicut.

Sir:—I am directed to state to you, that his Excellency the Governor in council does not consider it necessary to make any remark upon the other points discussed in your letter of the 30th ultimo; but, with respect to your request, that you may be allowed the assistance of the Honourable Company's law officers in the action which you intend to bring against Mr. Baber, the magistrate at Tellicherry, I am to acquaint you, that in the event of your carrying that intention into effect, the Honourable Company's law officers will of course be instructed to defend the suit.

I am, &c.

(signed) *David Hill*, Secretary to Government.

Fort St. George, 13th July 1813.

To the Honourable Company's Solicitor.

Sir:—With reference to the previous correspondence on the same subject, I am directed by his Excellency the Governor in council, to transmit to you the accompanying copy of a letter from Mr. M. Brown of Anjarakandy, with a copy of the reply which has been addressed to him, and to desire that these papers may be communicated to the advocate general, and to the Honourable Company's standing council.

I am, &c.

(signed) *David Hill*, Secretary to Government.

Fort St. George, 13th July 1813.

Extract, Fort St. George Judicial Consultations, 31st August 1813.

Read the following letter from Mr. M. Brown:—

To David Hill, Esq. Secretary to Government, Madras.

Sir:—I have the honour to acknowledge the receipt of your letter of the 13th ultimo, informing me, in reply to that part of my letter requesting to be informed, whether I might have the assistance of the Honourable Company's law officers in the prosecution which I intended to institute against Mr. Baber, "that, in the event of my carrying that intention into effect, the Honourable Company's law officers will, of course, be instructed to defend the magistrate."

By this I conceive I am to understand, that the act of the magistrate is, in fact, the act of the government, which of necessity, in my case, precludes all idea of prosecuting for the Company's property; nor, indeed, can any such proceeding be

now

now requisite, since I cannot permit myself to suppose, that the Honourable Company will expect payment from me of property delivered to me by the government, and which the government have again taken from me.

I have, &c.
(signed) *M. Brown.*

Anjarakandy, 12th August 1813.

MINUTE.—The foregoing letter does not appear to require any notice at present. When the claims of government upon Mr. Brown come in course of being discharged, it will be sufficient time to inquire whether any ground for abating them arises out of the magistrate's late proceedings, for detecting and putting a stop to the traffic in slaves which has taken place between Travancore and Malabar.

Extract, Fort St. George Judicial Consultations, 10th September 1813.

To the Chief Secretary to Government.

Sir:—The letter from the chief secretary, under date the 13th of April last, transmitting the copy of a letter from the chief secretary to the government at Fort William, was submitted to the advocate general for his opinion on the question therein stated; and I now send annexed a copy of the opinion which I have this day received.

I have the honour to be, &c.
(signed) *R. Orme*, Solicitor for the Honourable Company.

Fort St. George, 7th September 1813.

I entirely concur in the opinion of the advocate general of Bengal, that no British subject can legally support a claim to the person or services of any one residing within the limits of the British territories as a slave. I also think, that the law ought to be strictly enforced, in case of any violation of it in so important a particular as that to which this letter refers.

(signed) *Samuel Toller*, Advocate General.

Extract Proceedings of the Board of Revenue at Fort St. George, 28th September 1813.

Extract Letter from M. Brown, Esq. to Mr. T. Warden, Collector of Malabar, dated 31st August 1813, in answer to a Letter, calling upon him to state the nature and amount of Losses which he had sustained by the destruction of the Rhandaterra Plantation.

12.—I should have here closed this letter, was it not necessary for me now to state another loss of a very extraordinary nature. Soon after I began this plantation on account of the Company, there being great difficulty in procuring labourers, I proposed to the government of Bombay to purchase as many Pooliars and Betwas, and others of those castes who are in a state of bondage, and to establish them on the plantation. This proposal was approved of so early as 1798, and in consequence the commissioners issued orders (copies of which, and of the government order, you will find on the records for that period) to their assistants in the northern and southern districts of the province, to afford me all legal assistance in procuring those kinds of people for the plantation. Some hundreds of men and women, with their families, were accordingly procured by purchase from their owners, during that and the following year, and settled here, much to their own satisfaction, and most usefully for the plantation; because, being fixed upon it, they soon became much better acquainted with the various labours than people hired by the day. From that time those people remained contented and undisturbed here until the by-past year, when the magistrate of Tellicherry sent an armed force, and carried the whole of them from the plantation. Some of them were, after a long detention, sent back; but 52 men and women, with their children, of those who had been longest on the plantation, and who were the most useful, were kept and dispersed by the magistrate. For these acts, he asserted having the orders of government; but I in vain called upon him to produce those orders; so that on what grounds this most unjustifiable act of violence was committed, I am still ignorant, and therefore shall make no comment on the subject, but forward herewith copies of all the papers and correspondence that it gave rise to, from which the board will be enabled fully

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to understand it. I hope it is almost needless for me to state, for the information of the board, that although those people were purchased, they never were either looked upon or treated as slaves, but entirely as free labourers. They were, in truth, redeemed from a date of bondage, and made free, and their condition rendered fully equal to that of the free labourers on the plantation, with this difference in their favour, that when sick they had their pay continued to them, and a doctor to attend them, neither of which advantages the other labourers have. You, who know in what an abject and degraded state those castes are kept in Malabar, will be able fully to appreciate the value of the change to them, of being lodged in solid comfortable houses, and being themselves and children well fed and clothed.

The inclosures in this letter are the same as those referred to in Mr. Brown's letter to the Governor in council, entered upon the Judicial Consultations of the 22d December 1812.

Extract, Fort St. George Judicial Consultations, 23d October 1812.

Read the following Letters from the Judge and Magistrate in North Malabar, and from the Military Secretary to the Commander in Chief:—

To the Chief Secretary to Government.

Sir:—The confederacy against which I have so long had to contend, and which I have so repeatedly brought to the notice of government, has now arrived at that height, as to leave me no other alternative than to appeal to the laws of my country; but as I am naturally anxious, that whatever I do in a business appearing to involve so many public considerations, should be by and with the concurrence of government, I have determined to submit my complaints for their previous sentiments and orders.

2.—The accompanying copy of two letters and two affidavits, I was under the necessity of making before Mr. Hay Clephane, in his capacity as one of His Majesty's justices of the peace, contains a concise narrarive of a most violent and unprovoked outrage made upon me on Friday the 9th instant, by Lieutenant Brown, of His Majesty's 80th regiment, Mr. Douglas, the paymaster, and Mr. Thomas Gahagan, the register to the provincial court; language the most gross and offensive, menacing gestures, every means, in fact, short of personal violence, was resorted to, to intimidate me to give them a written paper, contradictory of a report in circulation on the subject of the kidnapped children found in Mr. Murdock Brown's possession, or to provoke me to meet and fight all of them; happily, they did not succeed in either of these criminal objects, and it will be a source of the highest satisfaction to me, that I did command my temper on so trying an occasion.

3.—Mr. Douglas had the audacity to threaten to post me as a liar and a coward, and that wherever I went infamy and dishonour should accompany me; and very shortly afterwards, Mr. Gahagan and Lieutenant Brown actually posted up a paper, with those false and scandalous words, in view of a great part of the zillah court servants then in attendance on duty on me, leaving a peon, with a pay-office badge, to watch what became of that paper, and this in the public streets of the town of which I am the magistrate. Another paper was, I am informed, fixed up at the entrance of Mr. Douglas's house, for the perusal of the European part of the society; and there is no doubt that similar libels are being dispersed half over India.

4.—On the following day (Saturday), Mr. Gahagan, Mr. Douglas, Lieutenant Brown, Mr. Murdock Brown, Mr. Harrison, Mr. Pearson, and Lieutenant Budd, of the 22d regiment, all met at the provincial court house, where Mr. Smee and Clephane were, the former sitting in trial over the Wynaad rebels; and immediately afterwards, Mr. Douglas went over to Cannanore, where he has been since propogating the grossest calumnies. I will not trust myself with offering any comments upon such unprecedented hostility, but merely observe, that in whatever light these proceedings are viewed, it is impossible that a greater injury or a greater act of injustice could have been done me.

5.—The Honourable the Governor in council will perceive that, in my letter dated the 9th, I called upon Mr. Hay Clephane in his capacity as one of His Majesty's justices of the peace, to protect my person and character against all manner of violence and malicious defamation that might be attempted to my prejudice on the part of Mr. Douglas and Lieutenant Brown; but it would appear from Mr. Douglas's conduct that this appeal had been of no avail. The commanding officer

officer of the provinces has placed Lieutenant Brown under an arrest, and forwarded copies of my letters to his excellency the commander-in-chief.

6.—As proceeding from the same source, I send copies of some notes I received from Mr. Gahagan on the 21st and 22d of last month; I did not make them the subject of a public representation, because it is my earnest wish, in all possible cases, to avoid troubling government with complaints, and because I know such conduct could only proceed from the evil counsels of his associates. Mr. Gahagan has alluded in these notes to an official transaction; I send all the documents that passed on that occasion, by which the government will observe, that here also the conduct of Mr. Gahagan is liable to the imputation of great disrespect.

7.—Other recent instances of this factious combination may be quoted; I mention one more, because it serves to expose the insidious means taken to harass and distress me.

8.—On the 23d May last I received a letter from Lieutenant Oliver, the officer then commanding the detachment of regulars doing duty over the jails, expressed in terms so exceedingly offensive as to compel me to make it the subject of a public complaint; it was not necessary to prosecute it, in consequence of a subsequent letter expressive of his sorrow and regret at what had passed; I knew also that this kind of conduct was not natural to that officer, and I had the strongest reasons to believe, that what he had done, had been at the instigation of his Tellicherry friends. His letter was dispatched from Mr. Stevens's house, and written on a sheet of paper out of the same quire with the provincial court's precept dated 25th May, giving cover to these three unfounded complaints, fabricated while I was risking my life in the service of my employers in Wynaad, and which formed the subject of my letter to government, under date the 2d of June; of this fact there is not a doubt, the water marks, the size, and the edges, which had been cut down, were precisely the same; and although this is no proof that the letter was written by the advice of the members of the provincial court, I have no doubt that transaction was done with the knowledge of Mr. Stevens or Pearson.

9.—Since the departure of Mr. Pearson in June, until his return last month, I have been less harassed than at any other period; what way or how soon this deadly enmity will next shew itself is impossible to say; but it shall be my endeavour to maintain, under any and every provocation, such a command over myself as shall defeat the machinations of all my numerous and powerful adversaries.

10.—Should the Honourable the Governor in council coincide with me in the expediency of an appeal to the laws of my country, as noticed in the first part of this letter, I shall leave it to their wisdom to determine, whether the prosecution had better be carried on at the suit of government or on my individual account; should the latter be resolved upon, I should prefer employing the Company's standing council, and could wish that he take immediate steps to bring the subject to a judicial hearing.

I have, &c.

(signed) *T. H. Baber*, Judge and Magistrate.

Zillah, North Malabar, 12th October 1812.

I, Thomas H. Baber, judge and magistrate of the Zillah North Malabar, and one of His Majesty's justices of the peace for the town of Madraspatnam and its dependencies, do declare and make oath, That Lieutenant Brown, of His Majesty's 80th regiment, did this morning, at about nine o'clock, enter my house, and demand in vehement language, private satisfaction for a report said to have originated in me two months ago, prejudicial to Mr. Murdock Brown's reputation, on the subject of the proceedings held by me in my official capacity as the judge and magistrate of the Zillah North Malabar, and one of His Majesty's justices of the peace aforesaid, into the affair of some Travancore natives, born of free parents, who had been kidnapped and found in a state of slavery in the possession of the aforesaid Mr. Murdock Brown, and with having in the course of that visit made use of menacing language towards me; I do also further declare and make oath, that almost immediately after the departure of Lieutenant Brown, Mr. Archibald Douglas did enter my house, and in vehement language demanded of me to meet and fight Lieutenant Brown, threatening to post me as a liar and a coward if I did not fight him, and to bring upon me eternal dishonour and infamy; I also further declare and make oath, that about 12 o'clock in the same day, Mr. Gahagan did come into my house, and tell me he was deputed by his friend Lieutenant Brown, in consequence of my refusal to hold any communication with Mr. Douglas, to

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demand a written apology for the report in circulation about Mr. Murdock Brown, and on my refusing to make any such apology, that he, Mr. Gahagan, did tell me I must stand to the consequences. I do further declare and make oath, that shortly after this menace, Lieutenant Brown and Mr. Gahagan, did affix upon the wall opposite to my house a paper containing the following gross and scandalous libel:

"Mr. T. Baber, is a liar and a coward."

(signed) T. C. Brown, Lieut. H. M. 80th Regt.

Tellicherry, October 9th, 1812.

I, Thomas H. Baber, do hereby declare, and make oath, That Mr. Gahagan did call upon me a second time, about three o'clock this day, and inform me, that Lieutenant Brown had put into execution the threat he had held out; I also declare and make oath, that he, Mr. Gahagan, did further take a paper out of his pocket, the purport of which was, that he, Mr. Gahagan, had informed Mr. Douglas, that I had said, my reason for not holding any communication with him was, that he was not a gentleman, or words to that effect, and that Mr. Douglas had sent him to demand satisfaction for such expression. That on Mr. Gahagan being informed, on my word and honour, that I had not made use of such expression, but that I had said, I had most forcible reasons for declining to hold any communication with Mr. Douglas, he, Mr. Gahagan, did thereupon say, that I had made use of the words, not a gentleman, or words to that effect, and that I should hear further from him on that subject. I do further declare and swear, that on or about four o'clock in the same afternoon, a gentleman, by name Mr. Harrison (I was informed), called upon me, and presented a note from Mr. Gahagan, to the purport, that he had seen a document which rendered it impossible that he should have further communication of any kind with me, as a gentleman, and that he should in consequence circulate copies of his conference with me, for the perusal and discussion of society at large.

T. H. Baber, Judge and Magistrate.

Enter Mr. Gahagan's note, presented by Mr. Harrison.

Mr. Baber:—On quitting your house this afternoon, I determined to come to a perfect understanding with you, relative to the assertions which you made to me during our first conference of this day, respecting the character of my friend, Mr. Douglas; I have since, however, seen a document, which renders it impossible that I should have further communication of any kind with you, as a gentleman, and which has convinced me, that the most effectual and proper conduct for me now to pursue is, to circulate copies of that conference, with the pledge of my honour for the veracity of what those copies state, for the perusal and discussion of society at large.

Half-past four, 9th October. (signed) *Thomas Gahagan.*

To Colonel Lockhart, the Officer commanding the Provinces.

Sir:—I am extremely concerned to be under the necessity of prefering a public complaint against a Lieutenant Brown, of His Majesty's 80th regiment, at present residing at this station. The following is a statement of the case:—About nine o'clock this morning, Lieutenant Brown entered my house, and demanded, in vehement language, private satisfaction for a report said to have originated in me two months ago, prejudicial to Mr. Murdock Brown's reputation, on the subject of the inquiry held by me in my official capacity, as the judge and magistrate of this zillah, and one of His Majesty's justices of the peace, into the affair of some Travancore natives (born of free parents), who had been kidnapped and found in a state of slavery, in the possession of Mr. Murdock Brown; not considering myself responsible to Lieutenant Brown, or any other individual, for acts done in the discharge of my official duty, I declined entering into any discussion, at the same time, in consideration of Lieut. Brown's near connection with the subject of that inquiry, I gave him an assurance, that I never had originated the report he said was in circulation, viz. *That his father had expressly employed persons in Travancore, to kidnap free born children.* Not satisfied with this, Lieut. Brown made use of menacing language, telling me, I should hear further from him; almost immediately after his departure, Mr. Douglas, in a manner equally violent, entered my

house,

house, and demanded me to meet and fight Lieut. Brown, and on being informed, that I would not hold myself responsible to Lieut. Brown for any act or acts done in the discharge of my official duties, Mr. Douglas threatened to post me as a liar and coward, and to bring eternal dishonour and infamy upon me. Lieut. Brown having been guilty of a high military crime, as well as a high breach of the public peace, I am under the necessity of requesting you will forward up to the commander in chief this letter, and also take what steps appear to you proper to protect me in the discharge of my public duty in the interim of that reference.

I have, &c.

(signed) *T. H. Baber*, Judge and Magistrate,

Tellicherry, October 1812.

To Colonel Lockhart, The Officer commanding the Provinces.

Sir :—In continuation of the subject of my letter, I have now to inform you, that about 12 o'clock I received a visit from Mr. Gahagan, telling me, he was deputed by his friend Lieutenant Brown, to demand a written apology for the report in circulation about Mr. Murdock Brown; this of course I declined to give him, but repeated to Mr. Gahagan what I had said to Lieutenant Brown, and under the supposition that he was totally ignorant of what had transpired about those kidnapped children, I explained to him, that it had come to light in a judicial investigation held here and in Travancore, that several free-born children had been found in the possession of Mr. M. Brown in a state of bondage; that these persons had been sent from Travancore by Mr. Brown's agents, and therefore that it was not at all surprizing that it should be a subject of public notoriety. Mr. Gahagan still however insisted upon a written apology; but finding me resolute, he went away, saying I must stand to the consequences; and shortly afterwards Lieutenant Brown, attended by Mr. Gahagan, came and affixed upon the wall opposite my house a paper, containing the following most gross and unfounded libel:—

" Mr. Thomas Baber is a liar and a coward."

(signed) *F. Brown*, Lieut. H. M. 80th Reg^{t}.

I have now to request, that this letter be forwarded also, for the information of his Excellency the Commander-in-chief.

And am, &c.

(signed) *T. H. Baber*, Judge and Magistrate.

Zillah, North Malabar, 9th October 1812.

To the Judge and Magistrate, North Malabar.

Sir :—I have received the honour of your letter of this date, and agreeably to your request, I shall forward it for the consideration of his Excellency the Commander-in-chief, and in the mean time, I shall order Lieutenant Brown, of His Majesty's 80th regiment, to be placed in arrest.

I have, &c.

Cananore, 9th October 1812. (signed) *William Lockhart*, c. c.

To Hay Clephane, Esq. one of His Majesty's Justices of the peace.

Sir :—Lieutenant Brown of His Majesty's 80th regiment, having this day entered my house and demanded in vehement language private satisfaction for a report said to have originated in me two months ago, prejudicial to Mr. Murdock Brown's reputation on the subject of the proceedings held by me in my official capacity as the judge and magistrate of the Zillah, North Malabar, and one of His Majesty's justices of the peace, into the affair of some Travancore natives born of free parents, who had been kidnapped and found in a state of slavery in the possession of the aforesaid Murdock Brown; and having in the course of that visit made use of menacing language, and Mr. Douglas having almost immediately after the departure of Lieutenant Brown also entered my house, and demanded of me in vehement language to meet and fight Lieutenant Brown, threatening in concert with Lieutenant Brown to post me as a liar and coward, and to bring upon me eternal dishonour and infamy, if I did not fight the said Lieutenant Brown. I am under the necessity of calling upon you to exert the powers vested in you by law, as one

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of His Majesty's justices of the peace, to protect my person and character against all manner of violence and malicious defamation that may be attempted to my prejudice, on the part of the aforesaid Lieutenant Brown and Mr. Douglas.

I have, &c.

Tellicherry, 9th October, half past 11. (signed) *T. H. Baber.*

To Hay Clephane, Esq. one of His Majesty's Justices of the peace.

Sir:—Having since I left you received another visit from Mr. Gahagan, for the same criminal purpose as his former one, I herewith send a written declaration of what passed on that occasion, which I am ready to make oath to when most convenient to yourself.

I am, &c.

October 9. (signed) *T. H. Baber.*

Sir:—I am just going into town; it will be necessary that you attend and swear to the circumstances contained in the paper you have sent me, when I shall bind over the persons mentioned to keep the peace.

(signed) *H. Clephane.*

You will be pleased to come to the provincial court house.

To Thomas Hervey Baber, Esq.

Sir:—In consequence of your letter, dated yesterday at 4 p.m., I have to acquaint you, that I shall be at the provincial court house at 10 o'clock this day.

I am, &c.

Darmapatam, 10th October 1812. (signed) *H. Clephane, J. P.*

Sir:—I have been excessively surprized to hear a report, that after a late official transaction between yourself and me, you had waited for me near the Cutcherry, and that we had a conference not altogether of an amicable nature. It is needless of me to observe, that I have contradicted this idle rumour, and feel myself under the necessity of demanding of you a promise to do the same on your behalf, if the report should at any time reach your ears.

Yours, obediently,

Kottypully. (signed) *Thomas Gahagan.*

Sir:—In answer to your note I have to inform you, that it is the first intimation I have received of the calumny in question, and that I neither can nor will hold myself responsible to you or any other man for events, in which as I have no concern, it is impossible for me to control.

I am, &c.

September 22d, 1812. (signed) *T. H. Baber.*

To Mr. Baber.

Sir:—I do not hold you responsible for the *calumny* in question, but merely required of you to *assist* me in preventing its extension; and if you will re-peruse my note of this date, you will find, that it is merely what the nature of the report to which it alludes would seem to require. I should never expect you nor any other man to account for reports not of his own propagation, and this is apparent from the tenor of my first note; your disavowal of the calumny is satisfactory, and I can require nothing more than an assurance that you will contradict it, if mentioned before you.

Yours, obediently,

Tuesday. (signed) *Thomas Gahagan.*

No answer.

Mr. Baber.

Sir:—I have waited until the present hour with the expectation that you would reply to my second note of yesterday; that note expressly intimated this expectation; but as you have chosen to disregard it, I write this to inform you, that I shall assume to myself the privilege of contradicting the report in your name as well as my own.

Yours, obediently,

Wednesday. (signed) *Thomas Gahagan.*

No answer.

To the Collector of Malabar.

Sir:—The inclosed two receipts were presented in the usual manner for payment at the revenue treasury, but brought back with a message, that I must address Mr. Gahagan; not having received any intimation from you of any alteration in the mode of defraying the current expenses of this Zillah, I am totally in the dark as to what these new forms are; I request therefore, you will issue an order to the revenue officer in charge of the treasury at this place, to discharge these two receipts, and if any new arrangements have been made, that you will advise me what they are.

I have, &c.
(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 15th Sept! 1812.

To the Judge and Magistrate of the Zillah North Malabar, Tellicherry.

Sir:—In answer to your letter of yesterday's date, I have to acquaint you, that Mr. Gahagan is in charge of the revenue treasury at Tellicherry, and is at liberty to make any arrangement he may judge to be expedient connected with its disbursements. I return the two receipts inclosed in your letter, with an order to pay the amount of one of them; the other being an extra charge, it is necessary that I should be furnished with the sanction of government before I can pay it.

I have, &c.
(signed) *Thomas Warden*, Collector.

Calicut, 16th September 1812.

To the Collector of Malabar.

Sir:—I am sorry to be under the necessity of again requesting you will issue an order for the payment of the pension granted by the government to the young Rajah Cadroor, Mr. Gahagan, the assistant, on whom you sent an order for that amount, having returned it, with the words "not official" written underneath my endorsement. As these kind of references are exceedingly unpleasant, I am to request, you will either direct that the court disbursements be paid in the usual manner, or point out the mode to be observed, or direct your assistant to do so, when, if possible, I will conform thereto. On the subject of contingent charges I have only to observe, that ever since the court has been established, they have been paid on a receipt signed by the judge and magistrate; and as they will not, as was the case in the charge incurred on the leprous patients sent to Madras, on every occasion admit of a previous reference to the government, I have to request you will forward copy of this letter, for the orders of the Honourable the Governor in council, unless you think proper to allow of matters going on as they have hitherto.

I have, &c.
(signed) *T. H. Baber*, Magistrate.

Zillah North Malabar, 17th September 1812.

To the Judge and Magistrate of the Zillah North Malabar, Tellicherry.

Sir:—In consequence of your letter, dated the 17th instant, I have directed the head assistant collector, Mr. Gahagan, to consider the presentment of any draft which may be drawn by me on his treasury, as sufficiently official to authorize its payment. You will, therefore, meet with no further obstacle in obtaining payment of the draft which I inclosed to you, under date the 16th instant.

The contingent charge, for which you inclosed me a receipt in your letter of the 15th instant, is not of a nature which I consider myself authorized to discharge; for I understand the Honourable the Governor in council has ordered the expense which might be necessary to be incurred in conveying leprous patients to Madras, to be provided by another department. The audit regulations are sufficiently clear, to justify my declining to make the disbursement in question. It is, therefore, not a duty incumbent on me to forward a copy of your letter, dated 17th instant, for the order of the Honourable the Governor in council, as therein requested.

With the exception of the regular pay and establishment of the court at Tellicherry, not a single disbursement will in future be made from the revenue treasury at Tellicherry on the requisition of either of those courts, without a special draft

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under my signature. Whatever sums, therefore, you may have to draw for on my treasury, inclusive of the regular pay and establishment of the court, (which will be paid on the presentment of the pay abstract, and not before,) it will be necessary that an explanation should be made to me, particularly specifying the nature of the disbursement for which the advance might be required, which will enable me to conform to those regulations, a deviation from which has subjected me hitherto to considerable unnecessary trouble and inconvenience.

I have, &c.
(signed) *Thomas Warden*, Collector.

Calicut, 21st September 1812.

To the Collector.

Sir:—Finding it utterly impossible to present the monthly indent of the salaries of the establishment and contingent disbursements of this zillah before at the earliest period the middle of the month ensuing, that for which they are due, in consequence of the time required to get the native abstracts from the most distant police stations, and to make up the accounts of the subsistence to the prisoners, (which is chiefly in rice), and other disbursements incident in this zillah, I was under the necessity of sending three receipts, drawn out agreeably to the forms which have obtained ever since the establishment of this zillah court to the revenue treasury here for payment. One of these receipts was for the sum of 2,000 pagodas, which is 115 pagodas less than the amount of the pay and establishment of the zillah for September; the second, a receipt for the sum of 300 pagodas, on account of subsistence to nearly 400 prisoners, and about 200 witnesses in attendance on the special commission, besides other unavoidable contingencies; and the third, for 800 rupees, on account of the pension to the Travancore Ellea Rajah, all of which the shroff reports he carried to the revenue office; that the latter one was paid on the same day, and that yesterday the cash had been counted out to him, when Mr. Gahagan, attended by another gentleman, name unknown, told him the receipts were irregular, and could not be paid. I have, therefore, to request that you will be good enough to order the amount of the accompanying two receipts to be immediately paid to the zillah court shroff; and further, that you will make application to the government for their authority, for the reasons stated in the first part of this letter, to continue making advances in the manner hitherto observed.

I have also to request, that you will issue orders for the payment of the balance of the court indents for July and August; viz. for July, 22,15,63, for August, 309,37,71, to enable me to discharge the bills due to Allambata, Coony, Amod, and Tacharakal Packara, Tellicherry merchants, for rice supplied by them for the consumption of the prisoners.

I have, &c.
(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 9th Oct. 1812.

To William Thackeray, Esq. Chief Secretary to Government, &c. &c.

Sir:—I have been directed by the commander-in-chief to request, that the accompanying copies of a correspondence, which has been transmitted to his Excellency by Major-general Wetherall, regarding a complaint on the part of the judge and magistrate of North Malabar, against Lieutenant Brown, of His Majesty's 80th regiment, may be laid before the Honourable the Governor in council.

As the perusal of these documents will best explain their subject, I have been instructed, with reference thereto, to express the commander-in-chief's opinion, that as the alleged insult has been offered to Mr. Baber in his magisterial capacity, the lieutenant ought to be considered amenable to the civil power for the offence. His Excellency would therefore recommend a reference to the advocate general on the occasion; pending which, Lieutenant Brown will be held at the immediate disposal of government.

I have, &c.
(signed) *Hugh Scott*, Military Secretary.

Fort St. George, 20th Oct. 1812.

To Colonel Lockhart, the Officer commanding the Provinces.

Sir:—I am extremely concerned to be under the necessity of preferring a public complaint against a Lieutenant Brown, of His Majesty's 80th regiment, at present residing at this station. The following is a statement of the case:—About nine o'clock this morning Lieutenant Brown entered my house, and demanded, in vehement language, private satisfaction for a report said to have originated in me two months ago, prejudicial to Mr. Murdock Brown's reputation, on the subject of the inquiry held by me, in my official capacity as the judge and magistrate of this zillah, and one of His Majesty's justices of the peace, in the affair of some Travancore natives, born of free parents, who had been kidnapped, and found in a state of slavery in the possession of Mr. M. Brown. Not considering myself responsible to Lieutenant Brown, or any other individual, for acts done in the discharge of my official duty, I declined entering into any discussion at the same time, in consideration of Lieutenant Brown's near connection with the subject of that inquiry, I gave him an assurance, that I never had originated the report he said was in circulation, viz. that his father had expressly employed persons in Travancore to kidnap free-born children. Not satisfied with this, Lieutenant Brown made use of menacing language, telling me I should hear further from him; accordingly, almost immediately after his departure, Mr. Douglas, in a manner equally violent, entered my house, and demanded me to meet and fight Lieutenant Brown; and on being informed that I would not hold myself responsible to Lieutenant Brown for any act or acts done in the discharge of my official duties, Mr. Douglas threatened to post me as a liar and coward, and to bring eternal dishonour and infamy upon me. Lieutenant Brown having been guilty of a high military crime, as well as a high breach of the public peace, I am under the necessity of requesting you will forward up to the commander-in-chief this letter, and also take what steps appear to you proper to protect me in the discharge of my public duty in the interim of that reference.

I have, &c.

(signed) *Tho. H. Baber*, Justice and Magistrate.

Zillah, North Malabar, 9th Oct. 1812.

To Colonel Lockhart, the Officer commanding the Provinces.

Sir:—In continuation of the subject of my letter, I have now to inform you, that about twelve o'clock I received a visit from Mr. Gahagan, telling me he was deputed by his friend, Lieutenant Brown, to demand a written apology for the report in circulation about Mr. Murdock Brown. This, of course, I declined to do; but repeated to Mr. Gahagan what I had said to Lieutenant Brown; and under the supposition that he was totally ignorant of what had transpired about those kidnapped children, I explained to him, that it had come to light in a judicial investigation held here and in Travancore, that several free-born children had been found in the possession of Mr. Brown, in a state of bondage; that these persons had been sent from Travancore by Mr. Brown's agents, and therefore that it was not at all surprising that it should be a subject of public notoriety. Mr. Gahagan still, however, insisted upon a written apology; but finding me resolute, he went away, saying I must stand to the consequences; and shortly afterwards, Lieutenant Brown, attended by Mr. Gahagan, came and affixed upon the wall, opposite my house, a paper, containing the following most gross and scandalous libel:

"Mr. Thomas Baber is a liar and a coward."

(signed) *F. C. Brown*, Lt. H. M. 80th Reg.

Tellicherry, Oct. 9th, 1812.

I have now to request, that this letter be forwarded also for the information of his Excellency the Commander-in-chief; and am, &c. &c. &c.

(signed) *Tho. H. Baber*, Judge and Magistrate.

Zillah, North Malabar, 9th Oct. 1812.

(Copy.) Cannanore, 11th Oct. 1812.

Sir:—I have the honour to inclose, for transmission by Major-general Wetherall to his Excellency the Commander-in-chief, copies of two letters sent to me by the judge and magistrate, North Malabar; in consequence of the statement contained

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in which, I have been under the unpleasant necessity of ordering Lieutenant Brown, of His Majesty's 80th regiment, to be put in arrest.

I sincerely regret this circumstance, as I understand Lieutenant Brown bears an excellent character; but Major-general Wetherall must be sensible, that, as the matter stands, I had no alternative.

I have, &c.
(signed) *W. Lockhart*, Colonel commanding.

The Major of Brigade, Mysore Division.

P. S. I understand that Lieutenant Brown means to make a statement of the above circumstances on his part, which shall be forwarded as soon as I receive it.

(signed) W. L.

To the Adjutant General of the Army.

Sir:—I have the honour to forward you, for submission to his Excellency the Commander-in-chief, copies of two letters, addressed by Mr. Baber, a judge and magistrate, to Colonel Lockhart, commanding at Malabar and Kanara, together with the copy of that officer's letter to the brigade major of the division I command.

I have directed that Lieutenant Brown of his Majesty's 80th regiment, remain in arrest till his Excellency's decision be obtained.

I have, &c.
(signed) *T. A. Wetherall*, Major-General.

Head Quarters, Mysore Division, Bangalore, 15th October 1812.

Ordered in consequence, That a letter of the following tenor, be dispatched to the advocate general:—

To the Advocate General.

Sir:—I am directed by the Honourable the Governor in council, to refer for your early consideration and report, the inclosed original letter and its inclosures, from the judge and magistate at Tellicherry, and original letter and its inclosures on the same subject, from the secretary to his Excellency the commander-in-chief.

I am, &c.
(signed) *D. Hill*, Secretary to Government.

Fort St. George, 23d October 1812.

N° 863. Original. From the Judge and Magistrate N. Malabar, dated 12th October 1812, with four inclosures.

Original. From the Military Secretary to the Commander-in-Chief, dated 20th October 1812, with an inclosure.

Extract, Fort St. George Judicial Consultations, 30th October 1812.

Read again, the following letters:

From the judge and magistrate in North Malabar, dated 12th, and entered in consultations, 23d of October 1812.

From the military secretary to the commander-in-chief, dated 20th, and entered in consultations, 23d of October 1812.

From the Advocate General to the Secretary to Government in the Judicial Department.

Sir:—I have received your letter of the 23d inst. communicating to me the letter of the judge and magistrate of North Malabar, of the 12th inst. with its inclosures, for my consideration and report.

The case stated in these papers, while unanswered and unexplained, is of a nature requiring the most serious public notice. It is in the mere act, apparently avowed and boasted of challenging to fight a duel, a high crime, which the King's courts are in the habit of proceeding against by information, whenever brought to their notice. But the occasion of this outrage, makes it much more serious. It appears to have originated in the judicial inquiry instituted some time ago by the same magistrate, for the purpose of giving liberty to a number of children then in slavery under Mr. Murdock Brown, and who had been stolen from their parents in Travancore, or otherwise illegally obtained by the persons from whom Mr. Brown procured them. That inquiry was submitted to my consideration, and my impression from all that I then saw was, that the magistrate was entitled to great praise for his zeal and ability

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in tracing the infamous traffic, and in restoring the children to their parents and to liberty. In the course of it, it became his bounden duty to state the circumstances of Mr. Brown's conduct, which did appear highly suspicious, although the circumstances did not amount to direct proof of his having sanctioned the acts of his agents in kidnapping the children; the statements and reports of the magistrate upon that occcasion, did not, according to my recollection of them, appear to me to exceed what the case warranted and called for; but if the case should turn upon this point, it would be proper that the reports should be again looked into.

There appears to be, unfortunately, a settled inveterate and avowed enmity between Mr. Baber and many of the other persons in the same province, one of whom is Mr. Murdock Brown, and is in the public report of the former, as judge and magistrate, he had stepped out of his way to cast unfounded imputations against his avowed and open enemy, any consequences which might have ensued, would ultimately have originated in his own aggression; and although the law would still have been open to him, to repress and punish violence, it might have been a question, whether government was called upon to protect him from consequences most necessarily following, from the discharge of his duty, but rather from the abuse of it; if therefore the measures to be adopted by government, shall depend upon the propriety or impropriety of the former reports of the judge and magistrate of North Malabar, as to the kidnapping the children, it will be necessary to re-consider them more particularly with this view; but it strikes me very strongly, that if that report had contained any matters so grossly improper as to forfeit the protection of government to a magistrate, its servant, it would have drawn the attention, and received the animadversion of the government at the time.

It is also possible, consistently with the report, and the affidavit of Mr. Baber, now forwarded, that the ground of complaint against him may have been, not his former report to government in his public character, but other observations and statements made by him, or reported to have been made by him, in conversation or otherwise, unconnected with his official duty, although upon the same subject upon which he had publicly reported. It is not impossible that exaggerated reports may have been circulated, upon the alleged authority of Mr. Baber, criminating Mr. Brown, beyond what the truth would warrant, and beyond what had been publicly reported by the judge and magistrate. If such reports should be shown to have been circulated, and should be traced to Mr. Baber, however protected by the law from violence, he would not be entitled to the protection of government against the consequences of such reports.

The case may possibly be susceptible of other explanation; and as Mr. Douglas and Mr. Gahagan are servants of the government, I should humbly advert, that before directing a prosecution to be commenced against them, with Mr. Brown, they should be called upon, as officers of the government, to explain their conduct.

At the same time, I think there can be no doubt of the propriety of Mr. Baber's prosecuting the parties who have been guilty of so gross an outrage against him, and of the government informing Mr. Baber of its being so considered by them, upon his statement of the facts; but that the government cannot take any part against its other servants, without first giving them an opportunity of explaining their conduct.

It might possibly happen, that the call of government upon these gentlemen to explain their conduct, might lead them to reflect more coolly, if they have been carried by passion to unwarrantable lengths.

I am, &c.
(signed) *A. Anstruther.*

The Commander-in-chief is requested to call upon Lieutenant Brown for such explanation of his conduct as he may have to offer.

Ordered, That the following letter be addressed to Messrs. A. Douglas and Thomas Gahagan:—

To Mr. A. Douglas.

Sir:—I am directed by the Honourable the Governor in council to transmit to you the inclosed copy of two affidavits made by Mr. Thomas Hervey Baber, judge and magistrate of the zillah, North Malabar, and to desire that you will submit such explanation of your conduct, as stated in those affidavits, as you may have to offer.

I am, &c.
(signed) *W. Thackeray,* Chief Sec. to Government.

Fort St. George, 30th October 1812.

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Extract, Fort St. George Judicial Consultations, 1st December 1812.

Read the following Letters from Mr. A. Douglas and Mr. Thomas Gahagan:

To William Thackeray. Esq. Chief Secretary to Government at Fort St. George.

Sir:—I have the honour to acknowledge the receipt of your letter of the 30th ult. transmitting copies of two affidavits of Mr. T. H. Baber, the judge and magistrate of zillah, North Malabar, and calling on me to enter into an explanation of what is stated in those affidavits respecting me.

From the tenor of these papers, that gentleman, it appears, wishes a conclusion to be drawn, that my conduct towards him resulted from his official acts; and it is in that point of view only that I imagine the Honourable the Governor in Council has directed me to explain it. I shall therefore proceed to show, that the very reverse was the case, and that the whole originated in Mr. Baber's proceedings, not as a magistrate, but as a private individual. From this consideration of the subject, I should never have presumed to trouble the Honourable the Governor in Council, by addressing him upon it; but I seize with satisfaction the opportunity now afforded me of doing so, and I trust with confidence, that I shall succeed in removing any unfavourable impressions which the partial and incorrect statements of Mr. Thomas Baber may have produced.

Some time ago, a report was in general circulation at Cananore, that Mr. Brown had sent an authorized agent to Travancore, for the express purpose of kidnapping children, and that children were in consequence kidnapped. This report came to the knowledge of Lieutenant Brown, of His Majesty's 80th regiment (the son of Mr. Brown), who found, on inquiry, that at the period the report originated, Mr. Baber had gone to Cananore; that he had carried with him bundles of official papers relative to what he termed kidnapped slaves and children; that he showed these papers, and commented on their contents, to those persons who, from their entire ignorance of Mr. M. Brown, were liable to be the more easily prejudiced against him, and who, from their situations and respectability, were most likely to influence the opinion of society.

Mr. Baber sets out with making oath, that Lieutenant Brown waited on him, to demand private satisfaction for a report said to have originated in him from his "official proceedings as judge and magistrate of North Malabar, and one of His Majesty's justices of the peace." Permit me here to ask, whether it was in these capacities that he acted, when he subtracted voluminous documents from the court of the judge and magistrate, and carried them to a military cantonment, twelve miles distant from the zillah station? For what purpose, and in what capacity, did he industriously spread their contents round that cantonment, so as to make them (to use the words of a respectable officer, when speaking to me on the subject) a matter of public notoriety? Was this the act of the judge and magistrate, and justice of the peace? Was this done in execution of the orders of government? or was it not rather the private machinations of the individual to blast the character of an old and respectable gentleman, to whom he had long been a professed enemy, in a society, most of the members of which had then lately arrived on this coast, and were totally ignorant of Mr. Brown, even by name?

Lieutenant Brown, as every person in the same situation would do, waited on Mr. Baber, not to demand satisfaction, but simply a written disavowal of his being the author of the report in circulation. All he asked, all he wanted, was this: the report was of no ordinary nature; it struck at the life and character of his father, and had been traced so home to Mr. Baber, that his private verbal denial of it, however explicit, was not sufficient to contradict it to the public. Mr. Baber gave him a verbal denial, but refused a written one; he persisted in this refusal, notwithstanding repeatedly urged by Lieutenant Brown, who told him that he could consider such conduct in no other light than an admission, on his part, of being in fact the author of the report. To this Mr. Baber replied, that he was at liberty to put what construction he pleased upon it.

Lieutenant Brown briefly related to me what had passed; he requested me to wait on Mr. Baber, and again require the written disavowal, or to insist upon other satisfaction, which, from the above expression of Mr. Baber, he seemed prepared to give.

Upon this, as the friend of Lieutenant Brown, I immediately went, in the hope of obtaining from Mr. Baber in writing that which he had before expressed in words;

words; for it is difficult to conceive that he could have had any objection to give it, as it was the only thing that could have enabled Lieutenant Brown effectually to silence the defamers of his father. I rather imagined, that any man (particularly an enemy), conscious that he was not the author of a report that struck so deeply at the character of another, would have gladly seized the opportunity of publicly protesting against his name being coupled with such an infamous story.

Mr. Baber, in describing my visit, proceeds to make oath that " I did enter his house, and demand of him, in vehement language, to meet and fight Lieutenant Brown." Such language, at my entrance, I do deny, on my honour; and I leave any man to judge whether, going there as I did, on the part of a friend, and with the hope above stated, the utterance of it was natural. Had Mr. Baber sworn that I was subsequently vehement, he would have been perfectly correct; that I do not wish to deny; and a fair and candid statement of my visit, somewhat different to that which he has given, will, I trust, fully prove to the Honourable the Governor in council that the provocation was sufficient to justify it.

Mr. Baber, in a state of agitation, stopped me at the door of his apartment; that agitation increased on hearing that I came on the part of Lieutenant Brown, and precluded all attempt at calm expostulation: without allowing me to conclude what I had to say, he rudely interrupted me, exclaiming, that he would have no personal communication with me, with Mr. Brown senior, or Lieutenant Brown, for substantial reasons. I told him, though not without opposition, that if he would not disavow in writing, that he was the author of the report in question, the consequences would be disagreeable, and that Lieutenant Brown must then have other satisfaction; that his having carried to Cananore public papers, connected with the subject; that his having shown and commented on them to different persons at that station, was a matter of notoriety. He again, in a violent manner, not only refused to hold communication with me, but to give satisfaction of any kind to Lieutenant Brown; and finally told me, that if I did not immediately quit his house, he would order his peons (of whom a number were at hand) to turn me out, and instantly called them for that purpose. This I do affirm, on my honour. Naturally incensed at such language, I told him, in the words he has cited, the line of conduct Lieutenant Brown would adopt.

Mr. Baber I understand has since denied having given such an order; let me ask however, is it probable that one gentleman going to another on the part of a friend, would have made use of the harsh terms that I did without adequate provocation? but after such an insult as that of threatening to turn me out of his house, a strong expression of my feelings was natural, and indeed irresistible.

If Mr. Baber conceived himself injured by the words he had himself provoked, and which were entirely of a private nature, why did he not immediately seek redress, either by calling on me or on the laws of his country; but it was only after the lapse of several hours, that he appealed to the latter, and swore the peace against Lieutenant Brown and myself.

It is to be observed, that this measure was resorted to, not after my visit to him, but immediately after Mr. Gahagan's, on the part of Lieutenant Brown; is it not natural then to refer this step to something that passed on that occasion? My communication with Mr. Baber ceased with my visit; I could have nothing further to say to him unless he himself provoked it; he tells *me*, that he has the most substantial reasons for refusing all communication with me, and when Mr. Gahagan mentions that it was owing to this refusal that he was deputed by Lieutenant Brown, Mr. Baber immediately replied, that he did not look upon me as a gentleman, or words to that direct effect, but that he looked upon Mr. Gahagan as one, and would be glad to confer with him; it was immediately after the commission of this insult that Mr. Baber swore the peace against me.

Mr. Gahagan on his return communicated to me the expressions Mr. Baber had used reflecting on my private character, which I have cited above, and being in perfect ignorance of the legal measure he had resorted to against me, I requested Mr. Gahagan, as a matter of course, to wait on him with a message from me, nearly similar to that stated in the affidavit. The result of that visit Mr. Gahagan will no doubt relate; it was during his absence that I received intimationthat Mr. Baber had sworn the peace against me.

I declare on my honour, and I would if required on oath, that Lieutenant Brown's first call at Mr. Baber's house on the morning of the 8th October, when that gentleman was not at home, was made without my knowledge, for reasons, which if necessary, could be explained.

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This I more particularly notice, as a report has been widely circulated, and has perhaps reached the Honourable the Governor in council, that the transactions complained of by Mr. Baber, resulted from a combination and conspiracy formed against him. I have already shown how Lieutenant Brown's difference with him arose, and that he might at once have settled the whole in a satisfactory manner, if he had only given that assurance in writing which he had given in words, nothing further could then have ensued.

My message to Mr. Baber was occasioned by the speech he made to Mr. Gahagan, reflecting on my private character as a gentleman, which surely did not originate in any premeditation on my part, and his subsequent denial of that speech necessarily embroiled him with Mr. Gahagan.

It is an established principle, that when a man appeals to any tribunal for redress, he should appear himself void of offence. Permit me to examine Mr. Baber's conduct by this standard.

Was it consistent with his duty as a judge to subtract public papers from the court in which he presides, and from which all partiality ought to be banished relative to a cause alleged to have come and to be then pending before him in his official capacity, to carry these papers into a private and distant society, and there make them a subject of discussion? (a procedure, I believe, unexampled in a judge) more particularly, when it is considered that those papers were ex parte statements, for Mr. M. Brown has never been called upon to answer such a charge as that stated in the report, nor has he ever met it in such a tangible shape as to admit of his opposing to it more than a general denial. What could have been Mr. Baber's motives for taking these papers to Cananore, and making their contents, as I have stated before, a matter of notoriety? To this question, if joined to his long personal enmity to Mr. Brown, I apprehend but one answer can be given;—that it was done for the express purpose of secretly injuring the character of the latter gentleman, in a society where he was entirely unknown. By this act Mr. Baber becomes the primary, the original transgressor, not in his public, but distinctly in his private capacity, for from this act alone, every thing that has occurred originated.

Such is the explanation of my conduct towards Mr. Baber; to its veracity I pledge my honour as a gentleman, and submit it without hesitation to the same eminent and respectable tribunal to which he has appealed.

I have, &c.

Tellicherry, 16th Nov. 1812. (signed) *A. Douglas.*

To the Chief Secretary to Government.

Sir:—I have the honour to acknowledge the receipt of your letter, under date the 30th ultimo, and to submit the following as the explanation required therein, for the information of the Honourable the Governor in council. On the 9th October, I received a note from Mr. Douglas, requesting my attendance at his house; soon after the receipt of this note, I went to the house of Mr. Douglas, where I found that gentleman and Lieut. Brown, the latter of whom informed me, for the first time, that he had heard of a report in circulation at Cananore, affecting the character of his father, and that he had ascertained, that Mr. Baber had taken certain papers connected with the subject to which it referred, from the zillah court at Tellicherry, to the private dwelling houses of gentlemen at Cananore. That in consequence of this, he (Lieut. Brown) had called upon Mr. Baber, and required of him a written disavowal that he was the author of the report in question, which had been refused, and that he had subsequently deputed his friend, Mr. Douglas, to repeat this demand, or to require other satisfaction for this outrage against his father, but that Mr. Baber had declined all communication with Mr. Douglas, for which he had professed himself to have the most substantial reasons; Lieut. Brown then observed, that he conceived Mr. Baber would not make the same objections to see me, and requested that I would go, and make another effort to induce Mr. Baber to disavow in writing the report in question, and if he persisted in a refusal, to state to him what measures Lieut. Brown would be under the necessity of adopting.

In consequence of this information, and this request, I proceeded to Mr. Baber, and stated to him, that I had come on the part of Lieut. Brown, to require a written disavowal of his being the author of a report affecting the character of Lieutenant Brown's father; and on my further stating, that I had come as the friend of Lieut. Brown, because Mr. Baber had declined all communication with Mr. Douglas,

Mr. Baber

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Mr. Baber demanded, how he could disavow a report which had resulted from his official duties; saying further, that he wished to confer upon the subject with me, because he looked upon me in the capacity of a gentleman; and proceeding to speak of Mr. Douglas to this direct effect, either that Mr. Douglas was not a gentleman, or that he ought not to be received by him as one. Upon which I briefly observed, that I should consider a repetition of such observations to be an insult to myself, and that I should state them to Mr. Douglas. From this we proceeded to speak of the report, with mutual interruptions, and in desultory cavil, in the course of which Mr. Baber declared that he had not fabricated the report, but that he would not state this in writing. After some desultory conversation, I expressly demanded a distinct reply to the question which had brought me to his house, whether he would disavow, in writing, that he was the author of the report; and I added, if he did not, it was Lieut. Brown's intention to treat him in a way which was to be avoided. Mr. Baber declared his disregard of all consequences, refused the written disavowal, and expressed his conviction, that Mr. Brown had knowingly received kidnapped children. Upon this I quitted the room, remarking, as I retired, that I should state our conversation to Lieut. Brown; in reply to which, Mr. Baber faintly said, "You have full liberty;" or, "You are at liberty."

Having left Mr. Baber's house, I found Lieut. Brown near to the gate of it; he inquired the result of my visit; I informed him, that the first thing I had to communicate was, that Mr. Baber had said, Mr. Douglas was not a gentleman; when Lieut. Brown, interrupting me, asked me, what was Mr. Baber's answer to his demand? I replied, that Mr. Baber had refused compliance with his wishes. Upon which Lieut. Brown immediately posted him on a door closely opposite his own window. After this, Lieut. Brown and myself returned together to Mr. Douglas's house, when I related all that had passed, and commenced by informing Mr. Douglas, that Mr. Baber had declared him not to be a gentleman, or that he had used words to this direct effect. Mr. Douglas having heard this, requested me to call on Mr. Baber, and to require, in his own name, a retraction of or apology for this serious insult. I accordingly went to Mr. Baber, and when I informed him that I had come to acquaint him, that Mr. Douglas required a retraction of or apology for the words which Mr. Baber had expressed to me at our former interview, Mr. Baber, with the utmost effrontery, denied them, and commenced a very erroneous recapitulation of the circumstances which I have here set forth. Upon this I immediately interrupted him by saying, "Stop, sir, I will read to you what you have said respecting Mr. Douglas." I then took out of my pocket a paper, of which the following is an authentic copy, and read:—"Mr. Baber having stated to Mr. Gahagan, that he did not look upon Mr. Douglas as a gentleman, or words to that effect; and having assigned that as a reason for refusing all personal communication with Mr. Douglas, Mr. Gahagan is requested to wait on Mr. Baber, and demand from him, either a distinct retraction of such sentiments, or that he will refer Mr. Gahagan to a friend to adjust the circumstances under which Mr. Douglas may receive that satisfaction which every gentleman who feels himself injured has a right to demand." After this had been read, Mr. Baber again denied the speech imputed to him, and he made attempt to parley, but I rose and quitted him, with words to the effect, that he had made the assertion imputed to him, and that he and I should settle this difference.

Such, sir, is the explanation which I have to offer for the consideration of government, of facts not stated in Mr. Baber's affidavits, nor in any way resembling the conduct which the tenor of those affidavits is evidently laboured to establish a belief of; and as I think it to be of material consequence to prove their further incorrectness, I beg leave to subjoin some remarks upon them, and upon the circumstances to which they allude. Mr. Baber *first swears* that I demanded of him a written apology to Lieutenant Brown; this is by no means true; for as Mr. Baber had denied being the author of the report, what could there be for him to apologize for? Had he possessed every inclination to do so, there was not one point at issue on which apology could be required or received. Mr. Baber, after having thus erroneously explained the purport of my first visit, proceeds to make oath, that shortly after my "*menace*," Lieutenant Brown and Mr. Gahagan did affix upon a wall opposite to his house the paper which he has termed a libel. I have already shown that Lieutenant Brown was near the gate of Mr. Baber's house when I came out of it; and as Lieutenant Brown, on hearing the unfavourable result of my visit, immediately posted the paper complained of, how could it be possible that I should be elsewhere than with Lieutenant Brown? Mr. Baber seems, however, determined to implicate me, and swears that Lieutenant Brown and Mr. Gahagan did affix this

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paper, thus wilfully including me in a transaction in which it was impossible for me to have the slightest concern, because, at the moment of its occurrence I hadno difference whatever with Mr. Baber. Mr. Baber also makes oath, that I used "a menace" towards him; let me see how much of this is true. It is unnecessary, I hope, to enter into a justification of my compliance with the request of Lieutenant Brown to visit Mr. Baber on his behalf, for every one would surely assist a friend to obtain the disavowal of a vile slander against the life and character of his father. My visit being for this purpose only, was every way inoffensive; and so far was I from using any "*menace*" in the course of it, that I simply remonstrated with Mr. Baber, by asking him what objection he could feel to write that disavowal which he had already expressed verbally, and "on his word and honour." My second visit too would have been inoffensive as the first, if Mr. Baber had expressed any apology for the words which he had spoken to me of Mr. Douglas, or if he had in the least qualified his denial of them by a polite expression of fear or doubt that he had possibly said more than he intended, or really meant, or in short, if he had in any way evinced a wish to impute the words to some misconception of mine, or to a precipitancy of his own. But when he rudely and positively denied them, how was it possible for me to do otherwise than to quit the presence of one who had thus grossly impeached my veracity; and what remained for me to do but to seek an immediate adjustment of so serious a difference? Mr. Baber, however, precluded this by a recourse to the protection of the laws, for I found on quitting him that he had sworn the peace, in the interval of my first and second visits, against Lieut. Brown and Mr. Douglas, and that he had received my second communication on the part of the latter gentleman at a time and under circumstances which should have bound him in common honour and justice to decline it. Naturally astonished and indignant at such proceedings, I wrote the note to Mr. Baber of which a copy is affixed to his affidavits. In that note I expressly intimated to him, that he had nothing to fear from me, but even this did not satisfy him. He wrote the same evening to a magistrate to bind me over to the peace, which not being practicable at that late hour, he was obliged to defer until the next morning. I cannot attribute this measure to any other motive than to an earnest desire to appear consistent throughout, and to a wish to persuade the Honourable the Governor in council (which his affidavits evidently labour to make appear) that his quarrel was official with me also, and consequently that he had impeached my veracity *in his capacity of "judge and magistrate and justice of the peace;"* and although Mr. Baber has thought fit, in furtherance of this object, to sign his copy of my note with his official title of magistrate, yet I do insist, that my quarrel with him was private. It is true, that Mr. Baber would not treat it as such;—but are his acts to influence another's reason? If I had written to him on a public matter, I should have confined myself to his public acts, which could have no reference to his private conduct, except indeed that every man exercising respectable public functions, is expected to have a respectable private character.

Having thus shewn, that my quarrel with Mr. Baber had been entirely private, and altogether accidental, it remains for me to advert most particularly to that part of difference with Mr. Baber, which tends to brand either him or myself with a falsehood. Mr. Baber disavows words with which I have charged him. He has done this, and flown from me to where I cannot reach him. He has attempted to convert a private difference into a public wrong, and with this wrong, he has ventured officially to impugn me. But did I go to Mr. Baber on any thing like an official subject? Did he not welcome my coming, by telling me that he considered me a gentleman, and would gladly confer with me on the subject of my visit? and, as an earnest of his professions, did he not invite me to a seat? Is this public business, and is Mr. Baber's subsequent flat contradiction of his own words, a public or a private matter? and when I wrote him, that in consequence of this and other conduct, I could not have further communication of any kind with him as a gentleman, will any one say, that I did wrong? Have I insulted Mr. Baber, and ran away from him whose indignation I had roused? Have I unworthily attempted to deceive my respected superiors, to protect me from the consequences of my own private misconduct? The very thought of such behaviour, is so repugnant and overwhelming to the feelings of a gentleman, that I will not expatiate further upon it; and I trust, that the Honourable the Governor in council will excuse this language, which the remembrance of it has prompted. I will now beg that it may be observed, whether throughout this statement, there is one single proof, direct or presumptive, by which to substantiate an inference, that I have imputed words to Mr. Baber which he did not speak.

I am particular on these points, because I wish to shew how unnecessarily Mr. Baber

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Mr. Baber involved me in quarrel, and that nothing objectionable resulted from my interference, until Mr. Baber himself insulted me; for although at our first interview, he was once or twice rather vehement, yet he appeared to be so very much agitated, that I attributed his warmth to involuntary emotion, rather than design, or I should instantly have reproved it. This evinces that I was quiet and civil, and how should I be otherwise, when I went for a peaceful purpose? I declare, most unequivocally, that I knew nothing of any of the events of that day, directly or indirectly, before their immediate occurrence, and that half an hour before I went to Mr. Baber, I did not know that Lieutenant Brown was even acquainted with the report which has led to these events; and although the most unpleasant consequences have resulted, yet I cannot profess regret at my conduct, when I review the motives which induced it. I went to Mr. Baber, at the earnest request of a friend, for the sole purpose of endeavouring to persuade him to disavow in writing, a slanderous report with which he was charged. My conversation was of a very passive nature, and I merely casually adverted to the consequences of refusal, in the hope that Mr. Baber might be influenced to escape them, by compliance with a reasonable demand, and the whole tenor of my conversation was calculated rather to persuade, by gentle remonstrance, than by imperious requisition; Mr. Baber's affidavits, however, are so strangely worded, that to read them only, would induce a very different conclusion.

Here I would finish, but that I have to notice a report propagated by Mr. Baber, and I suppose for purposes of further crimination, that Lieutenant Brown, Mr. Douglas and myself, combined and conspired together to insult and fight him; thus attempting to excite compassion where he had every cause to apprehend a very opposite sentiment. This artifice, however, has been completely foiled, and I am happy that such a base opinion was not difficult of refutation. Mr. Baber, however, still attempts to shew, that his quarrel with Lieutenant Brown was official. But was it from a combination and conspiracy, that Mr. Baber took official papers out of their public sanctuary to the private houses of gentlemen of Cananore, and for the purpose of private defamation? Was it from a combination and conspiracy, that he first denied to Mr. Douglas the reception or character of a gentleman, and that he next insulted me by a positive disavowal of his own words, or have the consequences of all these strange things been such as would have naturally resulted from conspiracy and combination? Mr. Baber, I apprehend, would have met with very different correction than what he now complains of, if this had been the temper or design of those whom he has insulted. But I pass over this hateful charge, with the contempt which it deserves.

This language is not quite befitting an address to my superiors; but when I disclaim the thought or intention of disrespect to that high authority which I have now the honour to address, I feel confident that some allowance will be permitted me, to mark with censure what I cannot otherwise resent or punish; and notwithstanding I have submitted this letter at the call of government, yet they must be aware, that no tribunal, however great, however respectable, can give me atonement or redress for the wanton and gross attack which my honour has sustained. It is an observation, attested by experience, that public virtue can never subsist in that man's bosom who is destitute of private honor; and the Governor and council, eminent in rank, in honour, and in station, will not be unmindful of those sensibilities, which constitute and maintain the character of a gentleman.

I have, &c.

Tellicherry, 21st Nov. 1812. (signed) *Thomas Gahagan.*

Ordered, in consequence, That a letter of the following tenor be dispatched to the advocate general.

To the Advocate General.

Sir:—With reference to the opinion submitted by you on the 27th October, I am directed by the Honourable the Governor in council, to furnish you with the accompanying copies of the explanations offered by Mr. Douglas and Mr. Gahagan, and to request that you will state what measures it may in consequence appear to you to be proper for the government to adopt.

I have, &c.

(signed) *D. Hill,* Sec^{y} to Gov^{t}.

Fort St. George, 1st December 1812.

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Extract, Fort St. George Military Consultations, 8th December 1812.

Read the following Letters from the Commander in Chief's Military Secretary.

To George Strachey, Esq. Secretary to Government, &c. &c. &c.

Sir:—The Commander-in-chief having, in obedience to the resolution of government, dated the 30th October last, called upon Lieutenant Brown, of His Majesty's 80th regiment, for a statement of the circumstances which formed the subject of a recent representation against him by the judge and magistrate of North Malabar, I have accordingly been directed by his Excellency to inclose a letter from that officer, containing the statement required for submission to the Honourable the Governor in council.

As Lieutenant Brown has, however, taken occasion in the inclosure, to draw an inference from the letter to which his present communication is in reply, which was neither expressed nor implied, with regard to his being exonerated from the imputation of *military* misdemeanor, I have received the Commander-in-chief's orders to submit herewith a copy of the letter from which this erroneous impression has been deduced, and to state, that Lieutenant Brown has been apprized that his Excellency's sentiments are not pledged, at this period, either in favour or disapproval of his conduct towards Mr. Baber.

I have, &c.

(signed) *Hugh Scott*, Military Secretary.

Fort St. George, 1st December 1812.

To Lieutenant Brown, of His Majesty's 80th Regiment.

Sir:—You have already been apprized, with reference to the circumstances which have recently formed the subject of the representation to government against you by the judge and magistrate in North Malabar, that the Commander-in-chief has considered your conduct on that occasion to come more properly under the jurisdiction of the civil power, than amenable to martial law; under that impression, it has been the pleasure of the Honourable the Governor in council to request, that his Excellency would call on you for a statement of the facts which have led to the discussion in question, as well as of all the circumstances connected therewith.

I have accordingly been directed to convey to you the expression of this request, as the Commander-in-chief considers the statement you have already forwarded to have been intended for his Excellency's personal information, rather than with a view to its submission before a civil court.

I have, &c.

(signed) *Hugh Scott*, Military Secretary.

Fort St. George, 10th November 1812.

To Captain Scott, Military Secretary to His Excellency the Commander in Chief.

Sir:—I have the honour to acknowledge the receipt of your letter of the 10th instant, directing me in the name of his Excellency the Commander-in-chief, to submit, for the information of the Honourable the Governor in council, a statement of the facts which led to the representation made against me by Mr. Baber, judge and magistrate of North Malabar.

As that letter was the first intimation I received of the decision of his Excellency upon my case, I may here be permitted to offer him my humble and respectful acknowledgements, more particularly as it exonerates me of the charge contained in Mr. Baber's first letter, and so serious to an officer, of having committed a high military crime.

The circumstances which led to my calling on that person are the following:—Some time ago a report was in general circulation at Cananore, materially affecting the charactor of my father, Mr. Brown, "that he had sent an authorized agent to Travancore, to kidnap children, and that children had been kidnapped." The report became so public as to be the common topic of conservation, and naturally drew forth the most unfavourable comments on my father's character. At length a gentleman at Cananore thought it necessary to communicate the circumstance to an intimate friend of my father's residing at Tellicherry. The latter immediately on hearing it, went to Cananore, and finding the information he had received to be perfectly

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perfectly correct, used his endeavours to contradict the story, and took upon himself to style it, one of the most infamous falsehoods that ever was invented to the ruin of an innocent and absent man.

Ill health compelled me not long ago to quit my regiment and repair to this coast; on my arrival, it was natural that a report so extraordinary and so notorious as the one mentioned should come to my knowledge; with the official proceedings to which it is referred I profess myself to be entirely ignorant; the bare mention of it was sufficient to convince me that it was most false and scandalous, and under this impression it was impossible for me tamely to reflect, that the author of it was not yet brought to light, and that perhaps secure of impunity, he would dare to propagate other calumnies equally detestable.

I therefore used my endeavours to trace it; I could attach suspicion to no one at Cananore, the place where it originated, for my father was acquainted with two or three persons at most at that station, and they were officers and gentlemen; with those exceptions he was unknown there, even by name; from whom then did it originate? I shall proceed to show that it was from Mr. Baber alone.

He was known to have taken to Cananore numerous papers from his court, relative to an investigation said to have been held before him in his official capacity, and connected with the report, and to have shewn those papers to persons to whom my father was unknown, even by name. By whom could his name have been originally mentioned to them? By whom could the subject to which the papers related have been first introduced? To these questions the answer is obvious, that it could only be Mr. Baber.

In elucidation of this, and subsequent parts of Mr. Baber's conduct, it may be necessary to state, that he is the professed enemy of my father, and has long persecuted him with the most unremitting rancour.

From the production of the papers, assisted no doubt by the malevolent fancy of the accuser, arose the report; for, no sooner had the one appeared, than the other immediately followed. It is also notorious, that the impression excited by these extraordinary proceedings in the minds of society was a most unfavourable one; Mr. Baber's purpose therefore is evident; it could be no other than to hold up my father's character to detestation (the character of a man who knew not that he was accused); and it is to be recollected, with what ceaseless assiduity he must have laboured to effect that object, since the report became a matter of such general notoriety, and formed every where the leading topic of conversation, in what striking colours he must have exhibited the picture to have attracted to it the attention of those who were perfect strangers to the subject.

I might here advert to this conduct in a man more especially when it is known that my father lived at a distance from all society, that it was therefore almost impossible that he should ever come to a knowledge of what he was thus charged with; that in addition, he was far advanced in years, with a family dependent upon him, all of whom must have been involved in the same dark cloud of obloquy, with little but his good name to boast of, and that he was thus insidiously attempted to be deprived of that remaining consolation; but I will suppress, however difficult the task, the feelings of indignation occasioned by so flagrant a violation of that honour observed amongst gentlemen by such a dereliction of public duty, by such a breach of public trust, and proceed to state, that I was justified in drawing a conclusion, that it was from Mr. Baber's actions or conversation that the report originated, and that I had therefore every title to demand of him a written disavowal of being the author of it, or the alternative, which a contrary acknowledgement pointed out. Had it been of an ordinary nature, a simple verbal denial of it would have sufficed, but a written one alone could contradict what was so extraordinary and widely disseminated.

With this idea, the only step left for me to take, and which every son in a similar situation would, I believe, have taken, was to wait on Mr. Baber, and require that disavowal. The first time I went to his house was on the morning of the 8th October; he was not then at home; I repeated my call on the following morning, when I heard that he was. As the detail of the conversation that passed between us might appear tedious, I shall merely state the result, which was, that Mr. Baber positively denied being the author of the report, but as positively refused to give that denial in writing; and on my telling him that I would consider such refusal in no other light than an avowal, in fact, on his part, he replied, that I was at full liberty to put what construction I pleased upon it.

Upon this I requested Mr. Douglas to wait upon him to repeat my demand, or to insist upon the alternative. With this gentleman he declined all communication,

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and refused to give me any kind of satisfaction whatever. To obviate the objection Mr. Baber professed himself to have to Mr. Douglas, and to avoid precipitancy on my part, Mr. Gahagan at my request went to him to require once more what I had done; his visit was also fruitless. Mr. Baber, therefore, having left me no alternative, forced me to the most unpleasant measure which one gentleman can resort to towards another.

In the letter forwarded to his Excellency, Mr. Baber has omitted to mention, that, after applying to the officer commanding the provinces for protection in the discharge of his duties, (which I am at a loss to know how I interfered in, as I went to his private dwelling, and early in the morning); he appealed also to the civil power, and swore the peace against me; thus studiously labouring to express that my difference with him arose from his official proceedings.

I will not disgrace the respectable functions which he exercises, of judge, magistrate, and justice of the peace, by combating such a plea,—a plea tending to shew that he was dispensing strict impartial justice, as the representative of the high and eminent tribunal to which this letter is to be submitted, in making ex parte documents of his court a subject of notoriety in a distant military cantonment. To argue that plea might imply a doubt, where there cannot, I humbly presume, exist even the shadow of one, it might imply, what is impossible, that public functions may be prostituted to promote the purposes of private malignity.

Before I conclude, it may be permitted me to declare most solemnly, that I never even in the most distant manner, received the smallest communication from my father on the subject of the report; that he knew not I was acquainted with it, or heard of the steps which I had taken, till the fourth day after they had occurred.

Such is the statement of facts, which, in obedience to his Excellency's commands, I have the honour to submit with every deference and respect. The motives of my conduct cannot, I hope, be misinterpreted or misconceived. The duty to a parent is so strongly implanted by nature, so paramount to every other, that I should be unworthy the name of son, and of course unworthy of society, if I permitted, without resenting it, the slightest breath of slander to taint the character of my father.

I have, &c.

(signed) *F. C. Brown*, Lieut. H. M. 80th Reg.

Tellicherry, November 1812.

N° 2. Ordered, That a copy of the foregoing letter be furnished to the judicial department.

Extract, Fort St. George Judicial Consultations, 22d January 1813.

Read the following letters from the magistrate, North Malabar, and from the advocate general.

To the Secretary to Government.

Sir:—I have awaited, with an anxiety which it would be in vain for me to attempt to express, the directions of government in answer to my letter dated 12th October, in which I judged it proper to bring to notice, the combined attack which I had sustained from three persons residing in this place, indirectly in the first instance on my life, and subsequently, in the most public and unequivocal manner, on my character as a gentleman, and my authority as a magistrate; but still not having received any communication from government on the subject, I can no longer refrain from reverting to it, and again most earnestly soliciting their early reply.

I beg leave to observe, that the motive which originally induced me to forward the representation before alluded to, proceeded from a knowledge of this occurrence being the result of my having, in the execution of my duty, pursued a system of measures which happened to be offensive to their feelings, and for which, in absence of all justifiable mode of appeal, they thought proper to adopt a line of conduct, insulting and irritating almost beyond human forbearance, in the expectation of procuring private retribution, by forcing me into a dilemma of so unprecedented and perplexing a kind, that they, doubtless, concluded no resource would be left me, but the desperate and precarious refuge of the duellist.

Could the outrage I have reported have been regarded, according to my ideas, in any proper light as a fit subject for such arbitrament, I need scarcely inform the government,

government, that I should never have thought it expedient to intrude on their valuable time by unnecessary reference; but under the peculiar bearing of the case in question, I should have considered that I very unduly estimated the respectability of the station I am entrusted with, and those principles of subordination, which, as the vital essence of all authority, I was imperiously called on to preserve, if I deemed my own personal opposition a suitable resentment for any insult to that government which I ever so stedfastly and invariably honoured and respected, and which it has been my pride to be among the foremost to defend and uphold, if the risk or even sacrifice of my life were necessary in the defence or service of my employers; it is known and acknowledged, I hold it but for their use; but I should commit a libel upon all received opinions upon public spirit, were I to hold its acts amenable to private reprehension.

The aggression, therefore, which I suffered, was according to my understanding, not against me, it was against the government under whose sanction and authority I acted; to them alone the province of redress pertained; and I should have thought myself unfaithful to my trust, had I neglected to have made it known, or had presumed to think a satisfaction merely personal to me, was compensation for a violence against the high authority I represented; besides, it would have seemed as if I wanted confidence in my superiors, a way of thinking the direct reverse of the whole tenor of my public life.

I have taken the liberty of submitting these observations, to avoid the possibility of any misconstruction on the part of government, as to the real motives which have guided me on this occasion. I wish it to be plainly understood, I have been actuated solely by a sense of deference to their authority, and that no personal concern has influenced my mind or actions.

These, Sir, are the sentiments I have hitherto been in the habit of entertaining; perhaps they may be thought erroneous; I however have yet to learn that they are so; when I am informed to that effect, and that I have no claim upon the government, I shall then be at liberty to do myself right, without incurring the charge of inconsistency.

I have, &c.

(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 10th January 1813.

To the Chief Secretary to Government.

Sir:—I have received, and considered with earnestness, as I read with regret, the several papers transmitted from Mr. Douglas, Mr. Gahagan, and Lieutenant Brown, and now from Mr. Brown, on the subject of their late conduct to Mr. Baber. The discussion arises from the application of Mr. Baber to government, to be protected by its authority against insults offered to him in consequence of his acts as a magistrate.

The conduct of Mr. Baber in the whole investigation as to the slaves, appeared to me at the time to be highly praiseworthy. I have referred to the papers again upon the present reference to me, and am more and more confirmed in the opinion which I at first formed. I see every mark of a strong feeling of compassion for the children who had been stolen from their parents, and a determination to restore them to liberty, zealously pursued in spite of very extraordinary opposition, without any sysptoms of that personal rancour which is so strongly charged against Mr. Baber. It is not in the power of man to know with certainty, and in general it is no part of our duty, to inquire what secret motives may lie concealed in the breasts of others. It is sufficient if the conduct be such as pure and good motives would naturally dictate.

The present discussion, as to the insults offered to Mr. Baber, is connected with the previous investigations before him as to kidnapping the children. By the statements of Mr. Douglas, Mr. Gahagan and Lieutenant Brown, that they called upon Mr. Baber to contradict in writing, a report which they supposed to originate with him, and state to have been very prevalent in the province, that Mr. Brown was guilty of the crime which had certainly been committed, in bringing the children into his possession, Mr. Baber denied that he was the author of the report, and they do not charge him with having ever distinctly circulated it; but they say, that he shewed the papers upon the subject, the records of the examinations taken before him, and they conclude that the reports in circulation originated from that exposure.

If Mr. Baber had been charged with the fact of having circulated a report, not warranted by the records of the transaction in his possession, I should have thought

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those affected by the report warranted in calling him to account for that slander. But where an infamous crime had been committed, exciting, as it ought to do, and I hope did, universal indignation against the perpetrators of it, I see no course, which any person acquainted with the truth could pursue, with more perfect propriety, than that of stating correctly the contents, or shewing the papers themselves, the records of the investigation. I know no objection to a magistrate shewing the records to such persons as he chuses to communicate with. In every day's newspaper at home, we see published reports, often probably very incorrect reports of the examinations taken publicly before magistrates. Nobody ever objected to these publications, however incorrect, nor could they, I apprehend, be objected to, unless on the ground of wilful misrepresentation, to correct which, the production of the true record of the examination would be the best and the natural refutation, but Mr. Baber is only charged with having shewn the records.

I think, therefore, Mr. Baber's conduct free from blame, so far as I can judge of it from the facts before me, and that his antagonists were not warranted, even by their own statements, in charging him with being the author of the reports circulated to the prejudice of Mr. Brown, or in calling upon him to disavow those reports; I can have no doubt, that a criminal information will be granted against them by the court, for challenging him to fight a duel, which he had done nothing to provoke.

I cannot doubt, that the reports circulated to the prejudice of Mr. Brown, and complained of by his son, were the consequence of the production of the examinations by Mr. Baber. But it ought to have been recollected, that if Mr. Brown's conduct, as exhibited in the public records, had been such as would bear investigation, the production of those records would have been the proper refutation of any reports to his prejudice, and that those reports, if not warranted by the records, ought to have ascribed to men, either ignorant of the truth or misrepresenting it, not to him who enabled them to correct all misrepresentation, by production of the record itself.

On the other hand, it is to be remembered, that the principal person opposed to Mr. Baber, is the son of the man whose character was impeached in public opinion; and that his resentment of those reports, is not to be judged of by the same rules by which the interference of any other person would properly be tried. He is not expected to be capable of cool deliberation, on the probability of the guilt of his father, nor of the correctness of the conduct of him through whose act the character of his father suffered. His conduct would probably be viewed by a court of justice with as favourable an eye as his breach of the laws would admit.

Mr. Gahagan also appears to have been no otherwise engaged in the transaction, or in any of the feelings of these parties, than by being called upon to carry a message, in itself indeed highly illegal, and which, if brought before the supreme court, must incur punishment, but which does not appear to have been connected in his mind, with any intention to resent the acts of the magistrate as such.

Under these circumstances, it becomes material to inquire, whether the immediate transgression, which is the subject of the present reference to me, arose out of any acts of the magistrate, directly and necessarily flowing from the public duties of his office. If it did, I should advise that the government should take upon itself the task of prosecuting the offenders; and if there were strong reason to believe that the resentment of the public official acts of the magistrate was the real motive, and that the charge of being the author of the reports in circulation, was only used as a colour to conceal the real cause of quarrel, I should have thought the artifice an aggravation of the offence. But I do not think that that is the true complexion of the acts of these parties; their statement of their motives is natural and probable, and appears to me entitled to belief.

I have before said, that the act directly charged against Mr. Baber, of having shewn the records of the examinations, does not appear to me to contain anything censurable; on the other, however, it is plain that it was no necessary part of his duty as a magistrate, to shew the records to strangers; and if his conduct is justified upon the ground, that any bye-stander who heard the examinations taken, might legally, and not improperly, publish their contents, it follows, that any consequences of the communications made by the magistrate from his knowledge of the case, stands only on the same footing as if he had acquired his knowledge from being a bye-stander, and not from his situation as a magistrate. It is highly illegal to call any man to account for merely making known the truth of what has appeared in the course of judicial investigations, but it is not more so in the case of the magistrate than of any other man, where the magistrate has made known otherwise

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wise than in the course of his public duty, what he happens to know from his official situation. I do not, therefore, think that this is a case which calls for the interference of government; and, as a general proposition, I think the aid of government ought not to be given, except in cases clearly and exclusively respecting the public acts of its servants, and entitling them as such to its protection. Indeed, I have the less reluctance to give this advice, from knowing that where the propriety of the interference of government can be represented as admitting a doubt, it is far from beneficial to those whom it is meant to assist and support.

Another part of this case, forced upon my notice a second time by the last letter of Mr. Brown, seems to require serious notice.

Mr. Brown appears upon these papers in a very suspicious light. It is now not disputed, that eight of the slaves found upon his estate, had been the free children of free parents, stolen recently, and purchased by his agents for the very purpose of being sent to his estate as slaves. The possessor of stolen goods may often be innocent and ignorant of the theft, yet he is expected to shew how and from whom he received them before he is cleared of suspicion; but the receiver of stolen children, sufficiently old to state the injury done to them in placing them in slavery, scarcely can be ignorant of the crime. The children state, that they refused to eat with the slaves, it being inconsistent with their rules of caste; they say, that Mr. Brown and his son made them eat with the slaves. It is scarcely possible, that in that dispute, the children should not have stated who they were, and how they had been stolen from their families; and from that time, at least, Mr. Brown was bound to have inquired into the truth of their statements. Instead of doing so, he at first attemped to evade the inquiry instituted by the magistrate, and appealed to a superior authority, claiming as his "property," the whole 76 persons carried away from his grounds.—(See his letter of 21st of December 1811.) On being informed distinctly of the statements of six free children, to the magistrate, (the other two being not then discovered), and being earnestly called upon to give every information in his power, as to the authors of the theft, as well as to produce his own vouchers in support of his claims upon them, he again (by his letter of the 28th of December) declines entering into the investigation, as unwarranted, speaks of the seizure of these persons, as being not more legal "than the seizure" of any other part of his property, and appeals again from the magistrate to the circuit court, for the avowed purpose of stopping the investigation. Upon the failure of these attempts, and finding that the court of circuit and appeal would not interfere as to these six free children, he sent a third letter, dated on the 4th January, disclaiming all property or interest in the six children, and pretending that they had been sent to work on his plantation by another person, their owner. This extraordinary disclaimer of all title to those children, whom he had only seven days before persevered in claiming as his property, is immediately afterwards contradicted by this pretended owner of the children, who declares, that he had been sent as Mr. Brown's agent, to Alleppy, to pay for some pepper, and to buy slaves, and that these six children had been bought with Mr. Brown's money, under his orders, and sent to him. I see no ground to suppose that the agent could have any possible interest in making this statement; if it were not true, he was contradicting his employer, without any tendency to discharge himself; for he does not go on to say, that he had orders to buy stolen children, but on the contrary, denies all knowledge that they were stolen; he had no motive of malignity from any quarrel with his master, or from being dismissed by him, for he was sent to the magistrate by Mr. Brown, with a letter to state who he was, and appears to have been still in his employ. His declaration is also supported by Mr. Brown's first statement to the magistrate, (in his letter of 20th December), of his having purchased some slaves very lately, and by his claims in two successive letters (of the 21st and 28th December) of the whole number of slaves carried off the plantation as his property. These statements are inconsistent with his own subsequent declaration of the six children being sent, as the property of the native agent, to work on the plantation; and I therefore think it clear, that the latter declaration of Mr. Brown is false, and that the contrary statement of the native is to this extent the truth. But it also appears, that during the whole of this investigation, Mr. Brown was deceiving the magistrate by concealing the number of children who had been stolen from their parents. The magistrate had at first heard only of six, and the whole correspondence related to that number, without specifying the individuals, except by sex and nation; even this specification was only contained in the letter of the magistrate of the 3d January 1812, and Mr. Brown, in his letter dated on the 4th, states his having, "since his letter of

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the 28th ultimo," and therefore, I presume, before, and without reference to even the loose specification in the last letter of the magistrate, sent to the plantation for particular information relative to the six children said to be free. Upon the information received, he proceeds to disclaim all concern with these six children, and therefore acquiesces in their being detained; but says, with regard to the other persons, who were "forcibly driven from the plantation;" "it is totally false that they were stolen or kidnapped;" "my right to them I am perfectly ready to support, as soon as my property in them is impeached." The magistrate accordingly retained the six children for the purpose of being restored to their parents, and (except sixteen who had been stolen from other masters) the residue were returned to Mr. Brown. The further inquiries of the magistrate soon afterwards led to the discovery, that instead of six, there had been eight children stolen from free parents, and sent to Mr. Brown, and the magistrate on the 24th January demanded the other two. Mr. Brown answered on the same day, "the *eight* children were all taken to Tellicherry by your orders, and two of them were sent back by your own orders, with the other Pooliars some days ago, for what purpose I know not; they are now, agreeable to your orders, delivered to the bearer."

From this correspondence, it appears to me manifest, that Mr. Brown, while he was renouncing all claim to six children, and insisting upon his right to all the rest, knew that there were eight instead of six liable to the same objection, and who ought to have shared the same fate; that he could not have even known which six out of the eight were at first intended to be kept from him, but acquiesced in receiving back two over whom he knew he had no right, and whom he evidently intended and tried to retain in slavery.

I do not know that it is criminal in our law, although certainly most dishonest, to retain stolen property after discovering that it is stolen, if, at the time of receiving it, the receiver did not know it to be stolen.

But the extent to which Mr. Brown appears to have carried these dealings, and the very extraordinary support which he appears to have received in them, seem to require some decisive check. If he has for years been in the habit of receiving as slaves persons stolen, whether from their families or from former masters, perhaps avoiding to inquire as to their former state, but more probably knowing it, it may be fit for serious consideration, whether he should be left in a situation in which he can continue such practices, the government having full power to remove from the country all persons who conduct themselves improperly in it.

In stating this as being, in my humble judgment, a point fit for serious consideration, I beg not to be understood as recommending the measure; at all events, there are many points to be considered, before it is resolved to drive a man from the place where he earns the bread of a family; and if the evil can be remedied, the least severe means of doing so, provided they answer the end, are to be preferred.

The papers of Mr. Brown, claiming the right of a master over slaves, as a part of the Mahomedan law, under which he considers these provinces to be governed, ought not to be passed unnoticed, and have again called my attention to the subject, which I had before slightly considered in my letter of 14th April. I cannot agree to the proposition, that these provinces are, so far as relates to British subjects, governed by the Mahomedan law. In questions of civil right they are governed by the different laws of the different nations to whom justice is to be dispensed. In criminal prosecutions, the Mahomedan law is (for what reason I do not know) established over all the natives in the provinces, but not over the British. They retain the rights of their birth, and ought also to retain all the relations connected with the British character, to which it is equally abhorrent to be the master of slaves, as to endure slavery. Indeed, I do not know, whether we should not rather say, from experience in another quarter of the world, as well as from reasoning, that the habitual exercise of the authority of the master over slaves, is peculiarly destructive to the national honour and character. I see nothing in our situation in India, nor in the statutes, which authorize a departure from the law of England, in the relation between a British subject and his servants. It is expressly provided in the several statutes, that our law shall not interfere with the authority exercised by the heads of families among the natives, who from local residence at the presidencies, are made subject in general to the British law, but no such provision is made for British subjects as the masters of slaves; on the contrary, the distinction as to the natives, points out the intention of the legislature that the British should hold only their own rights and customs. If any Moorman in Madras were indicted for the exercise of violence upon his slaves, which our law would punish, if committed by a master

over

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over his servant, but which the law and customs of his nation sanction as to their slaves, the defence would be sustained, and the legislature has specially provided for it. But if a similar complaint were preferred against Mr. Brown, for violence against his slaves in Malabar, I am confident that he could not justify it. But the civil right to the perpetual service of the persons held by him in slavery, may possibly be distinguished from the right of punishment of them as slaves, and I think the question of right may well be tried, and ought to be tried in that shape. If any one of the persons now working upon the estate of Mr. Brown, as slaves be advised to instruct the attorney for paupers to bring an action against Mr. Brown, for false imprisonment, in detaining him upon his plantation, the admission of the fact by Mr. Brown, will bring before the court the simple question of the capacity of a British subject to have a slave in India. I by no means wish to be understood to say that it is a clear point, but I think it very proper to be settled. The same object may be obtained, by directing Mr. Baber publicly to offer freedom to any one slave who chooses to leave Mr. Brown's plantation, for the avowed purpose of trying the question. From the importance of the point being settled, I should also propose, that by mutual consent, whatever might be the decision, it should be carried before the King in council, as otherwise different decisions might be given at the different presidencies, and the question be set afloat, instead of being finally settled.

Supposing it to be ascertained by the highest judicial authority, that British subjects can have property in slaves in India, it remains to be considered, whether the law ought to be left in that state; or rather if the government shall think that it ought not, a regulation of government may, as to the provinces, remove the necessity of any trial or inquiry as to what is now the law on the subject, by prohibiting the practice in future.

In addition to the motives for such a regulation, arising from the general character of Britons, and the propriety of preserving it, it appears from the papers now before me, that there is a danger of British subjects in the situation of gentlemen, being enabled in fact (although I hope more frequently from the force of imaginary than of real connection and influence) to exercise around them an authority scarcely admitting of limit or question.

On the other hand, I am sensible that there may be objections to such a measure, upon the force of which I am not competent to offer, nor indeed to form any opinion; I therefore mention it rather as a suggestion for consideration, than as an advice.

Upon the immediate subject of the several references now before me, if my opinion above stated be thought right, I should humbly recommend, that Mr. Baber be informed that his conduct continues to be highly approved, and that the government agrees with him, in thinking the case proper to be the subject of a criminal prosecution. But that, as the immediate cause of the quarrel assigned by Lieut. Brown, Mr. Douglas, and Mr. Gahagan, was not an act of Mr. Baber necessarily, in his public character, although closely connected with it, the government think it proper, as well as more expedient, that the prosecution should be carried on by himself.

I am, &c.

(signed) *Alex. Anstruther*, Advocate General.

Fort St. George, 5th Jan. 1813.

MINUTE.—The whole subject to which the foregoing letter relates, forcibly calls the attention of the Board to the distempered feeling towards each other, by which several of the civil servants of the Bombay establishment, acting in Malabar under the authority of this presidency, have on so many occasions appeared to be actuated. It has more than once been under consideration, whether so destructive and inveterate an evil did not stand in need of a radical cure. Although the Board cannot doubt that such a cure would be justified by the whole tenor of the acrimonious and recriminating correspondence between the parties, or relating to them, with which the records of the government, for several years past, abound, they have no disposition to depart from that system of forbearance with which they have hitherto acted. The government, however, have a right, and are bound to require, a peculiarly circumspect line of conduct from those persons for whose benefit alone this forbearance is exercised. They would otherwise abandon those public interests of which they are the guardians, for the sake of avoiding an injury to individuals, who, by their pertinacity in error, had forfeited all title to such indulgent consideration. The government are bound also to take care, that no adventitious circum-

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stances shall be allowed to aggravate the long established animosity among the civil servants in Malabar. The evil which the government contemplates with such regret, would otherwise grow progressively more and more alarming, till at length the strong remedy which it has been the desire of government to avoid, had become indispensably necessary.

Governed by these principles, the Board conceive, that to repeat the expression of their approbation of the conduct of Mr. Baber, would go but little way towards counteracting the bad effects of the transactions which have been brought under their notice. Those transactions are calculated to embitter still more the personal feeling which had before prevailed among the civil servants in Malabar, and to prevent, even in the common course of affairs, but still more on the possible occurrence of seasons of danger and difficulty, any cordial co-operation on their part for the public good, and any uninterrupted and unprejudiced attention to the duties with which they are respectively entrusted, the simple intimation, that government approves of the conduct of Mr. Baber, might even increase these evils.

It seems therefore to be incumbent on the government to remove from Tellicherry the different gentlemen who have taken part against Mr. Baber, in the transactions upon which the advocate general was required to report. These gentlemen are, Lieut. Brown, Mr. Douglas, Mr. Gahagan, and Mr. Harrison. It is particularly necessary to adopt the proposed measure with regard to the two last mentioned gentlemen, as their conduct, however it may be viewed, has disqualified them for answering the purpose for which it had been the aim of government gradually to introduce into the administration of the civil affairs of Malabar, gentlemen who, while they owed an undivided submission to the authority of this presidency, were also uninfected by those personal feelings which have taken such strong hold of the minds of the gentlemen of the Bombay establishment.

The commander in chief is requested to direct, that Lieut. Brown, of His Majesty's 80th regiment, do quit the province of Malabar; and Mr. Douglas, the military paymaster in Malabar and Canara, will be required to reside in future at Cananore, the head quarters of those provinces.

The immediate effect of these arrangements will be, to prevent the recent occurrences from increasing the animosities prevalent among the public officers in Malabar; and if they operate as a warning to others, not affected by them, they will be productive of more extensive benefit.

Resolved, That a letter, according to the following draft, be dispatched to Mr. Baber, the judge and magistrate of North Malabar.

To the Judge and Magistrate, Zillah North Malabar.

Sir:—I am directed to acknowledge the receipt of your letter, dated the 12th October last, and to inform you, that the Honourable the Governor in council continues to approve highly of your conduct, and agrees with you in thinking the case proper to be the subject of a criminal prosecution, but that as the immediate cause of the quarrel assigned by Lieut. Brown, Mr. Douglas, and Mr. Gahagan, was not an act of yours necessarily in your public character, although closely connected with it, the government think it proper, as well as more expedient, that the prosecution should be carried on by yourself.

2.—I am directed to transmit to you copies of the letters which have been addressed to the government by Messrs. Douglas and Gahagan, and Lieut. Brown, in explanation of their conduct, and of the reports of the advocate general on the subject.

3.—The question noticed by Mr. Anstruther, how far Europeans, British subjects, may exercise the right of master over slaves, is under the consideration of the government.

I am, &c. &c.

(signed) *Wm. Thackeray*, Chief Sec. to Government.

Fort St. George, 22d Jan. 1813.

Approved, and ordered accordingly.

Extract of a Letter from the Court of Directors to the Governor in council of Fort St. George, in the Judicial Department, dated 12th October 1814.

Letter from, dated 5th March 1813 (92 a 118), relative to the existing laws with regard to the Slave Trade.

Par. 43.—This subject will be noticed at a future opportunity.

PROCEEDINGS in 1812, relative to a Traffic in Slaves carried on by certain Frenchmen from Cochin.

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Extract of a Letter from the Governor in Council of Fort St. George, to the Court of Directors in the Political Department, dated 17th October 1812.

14.—The resident at Travancore, having informed us, that several persons had been found confined in irons at Janganacherry, a port dependent upon Cochin, for the purpose of being transported as slaves, we directed, that the most effectual steps, consistent with law, should be taken, to prevent the purchase and exportation of slaves, and to bring to punishment any person who might have been concerned in that nefarious traffic; the result of these proceedings will be communicated to your Honourable Court from the judicial department. Cons. 25 February, 24 March.

Extract, Fort St. George Political Consultations, 25th Feb. 1812.

Read, the following letter from the resident at Travancore, to the chief secretary of Government.

Sir:—I regret that I am obliged to bring again under the notice of the government, the evils of all efficient regulation and authority in the Dutch settlement of Janganacherry, at Quilon. During the disturbances, a considerable quantity of teak wood, the property of the Bombay government, and of the circar, was seized by the prize agents of the army, and placed in a piece of ground at Janganacherry, attached to a house occupied by a half caste Frenchman named Coupaillis. The proceedings of the prize agents having been disapproved, the wood was abandoned by them; and as its value was included in the amount of expenses of the war charged the government of Travancore, it of course became the property of that government.

The late Dewan Womanah Tomby allowed the wood to remain unnoticed in the place where it was collected by the prize agents; but soon after the Womanah Tomby's removal, I desired the pepper sarwady Karigar, who is charged with the superintendence of all the commercial arrangements of the circar, to take an account of the wood, and place it under his custody. The pepper sarwady Karigar, the person at whose recommendation principally the beetle-nut contract was granted to Mrs. Zope, having, however, taken bribes from Mr. Coupaillis, who is said to be employed by Mrs. Zope, deferred, under various excuses, either to take charge of the wood, or to report upon it. The unsatisfactory nature of the pepper sarwady Karigar's proceedings induced me, about a month ago, to desire Captain Beale, the superintendent of the bazars at Quilon, to ascertain the manner in which the wood had been disposed of, and to examine the remainder of it.

The result of Captain Beale's inquiries on this subject will be communicated to the government as soon as I shall have received his report upon it; but the principal object of this letter is to state, that when Captain Beale went to Janganacherry, a native of Travancore in irons, and having an iron chain upon him, came and complained that he was placed in that situation by a relation of Mr. Vally, a Frenchman, for having left the service of Mr. Vally, at Pondicherry. This poor man stated, that it was intended to transport him immediately to the Isle of France, as a slave, and that there were twenty-four persons at Mr. Vally's house at Janganacherry, confined in irons for the purpose of being transported as slaves at an early opportunity. I forward Captain Beale's letter, and the statement which was delivered to him. On receiving these papers, I desired Mr. Beale to send without delay for the rest of the prisoners from Janganacherry; and if he found the representation that had been made regarding them to be correct, to keep them under his protection until I should receive the orders of the government. N°s 1 & 2.

I transmit to you Captain Beale's final report, confirming in every particular that representation. It was formerly customary on this coast to purchase the children of the poorest classes of the inhabitants, and to transport them to the Isle of France, and other places. This practice gives rise to very great abuses, to the clandestine seizure of children, and other acts of violence, and was strictly prohibited in a proclamation published soon after the war, and in another issued by my desire, about six months ago. The inhabitants of Janganacherry, in defiance of the proclamations, have continued the purchase of children, and the papers which I now transmit, furnish a sufficient illustration of the pernicious consequences of that practice. N° 3.

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Mr. Vally is a Frenchman, who some months ago obtained the permission of the government to proceed to the Isle of France; but having stated to me, that he could not procure a passage from this coast, he received a passport from me to proceed with his family to Madras, for the purpose of embarking at that place. I have since understood, that he has been permitted to reside at Pondicherry. Some of his relations still reside at Janganacherry, and it was in their house that the prisoners reported by Captain Beale were found. But I have reason to believe, that many other persons at Janganacherry are engaged in the practice which I have described, and I shall soon have to report to the government, transactions of the same nature carried on in Travancore, under the orders of Mr. Murdock Brown, at Mahé.

Janganacherry is placed under the immediate superintendence of a Portuguese inhabitant; it is remote from the civil control of any European authority, and being situated close to a large military cantonment, it is a receptacle for smugglers, thieves and retailers of arrack and toddy. Considerable losses are sustained by the circar from the contraband trade carried on from Janganacherry; and I again beg permission to suggest the propriety of this place being put, like Anjengo, under the immediate control of the resident.

I have mentioned, in this letter, the name of Captain Beale, superintendent of bazars. This person was formerly a conducter of stores on the Bombay establishment, and during the Mysore war of 1791, gave very great satisfaction to his superiors. He afterwards entered the Travancore service, and obtained the rank of captain, with the command of a battalion, and the fort of Mawally Kally; having refused to serve when the war commenced, he was thrown into prison, treated with the utmost rigour, and plundered of all his property. No provision was made for him after, and he gained a wretched subsistence by making up and selling furniture. Having received an excellent character of this man, I recommended him for the situation of superintendent of bazars at Quilon, and his conduct has been active, honourable, and highly satisfactory. The bazars under his charge are efficient and flourishing.

I have the honour to be, Sir, &c. &c. &c.

(signed) *J. Munro*, Resident.

Kolatory, February 7, 1812.

Extract of a Letter from Captain Beale, Superintendent of Bazars at Quilon, to the Resident at Travancore, dated 24th January 1812.

Yesterday evening, as I was examining the timber laying in Mr. Coupellis's garden, and endeavouring to discover the manner in which this timber had been brought there, as also the people that brought it, and the sawyers who had been employed from time to time in sawing it for Mr. Coupellis, the quantity and quality of timber so sawed, and from what part it was taken to be put ready for sawing, a man in irons, and a long iron chain, came to me, making his complaint that he was confined in irons for these three months past, for leaving Mr. Vally's service at Pondicherry, and being a native of Travancore, I take the liberty to send to you his statement, which will give you every information of this business.

I have sent for all the people that were employed in bringing this timber to Mr. Coupellis s garden; and as soon as I have got all of them, and also the sawyers and coolies who have had any thing to do with it, I will make my report to you on the subject.

(A true extract.) (signed) *J. Munro*, Resident.

Translation of a written Complaint delivered at Janganacherry, to Captain Beale, Superintendent of Bazars at Quilon, by a prisoner named Komaren Agapun, a Native of Travancore.

Last year Mr. Vally having come to reside at Doctor Macaulay's house at Kooriapully, engaged me in his service in the capacity of horse-keeper, on the pay of half a chuckrum and 1¼ paddy of rice each day. I represented to him that this allowance was insufficient, but he refused to increase it. Afterwards Mr. Vally came to Janganacherry, in order to set out for Pondicherry, when I stated to Madame Vally that my pay was insufficient; she answered, that as she could not increase it, I might go where I pleased, and I accordingly went away, and resided at Janganacherry with a person called Sultan. Mr. Valley, a few days previously to his departure, gave a bribe of eight chuckrums to Sultan, and induced Sultan to seize me, and deliver me over to him.

Madame

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Madame Valley put me in irons, and kept me in irons, and kept me in her house, and on the day of her departure released me, took me with her to Pondicherry, and employed me there in the cook room. Mr. Valley having at that time purchased a horse, and attached me to him on my former pay; I then fell sick, and the horse was entrusted to another person. Soon afterwards I left Pondicherry secretly, and came to Quilon, where a Portuguese, named Anthony, seized me, and delivered me over to Mr. Valley's nephew, Mr. Edmond, for a bribe of twelve chuckrums or three fanams. Mr. Edmond seized me, tied me, put me in irons, and confined me in a small hole. Two or three festivals passed, and I was not permitted to see them. Afterwards, being very much distressed, and almost killed with hunger, I adopted the resolution of making my situation known to the resident, and I have escaped to you with my irons. Besides they have purchased in different parts of Travancore and Cochin, nearly twenty-four persons, whom they keep in confinement, for the purpose of sending them to the Isle of France, in a ship which they expect every day. They have kept me in irons for the purpose of sending me away by the same opportunity.

(A true translation.) (signed) *J. Munro*, Resident.

Extract of a Letter from Captain Beale, Superintendent of Bazars at Quilon, to the Resident in Travancore, dated January 31st, 1812.

Agreeable to your letter, dated the 28th instant, I sent to Mr. Valley's house, and brought from thence the slaves mentioned in the statement, which I sent on the 24th of this month.

There are four women grown, five small girls, and eleven small boys, besides the man in irons. They all agree in the same story with the man that first came, and all expected to be sent off daily in a pattemar, where to they did not know, but they supposed to the Isle of France.

They are a most wretched set, and almost naked. There is one girl there still, a Coffrey girl, in irons, whom Mr. Valley's sister says she brought from the Isle of France along with her, and they don't choose to give that girl up. The above-mentioned twenty-one are all of them of this country, Allephy, Quilon, Anjengo, Poonterah; the whole are all in custody till you are pleased to send further orders respecting them.

(A true extract.) (signed) *J. Munro*, Resident.

Ordered, in consequence, that the following letters be dispatched.

To the Judge and Magistrate, Zillah, South Malabar.

Sir:—I am directed by the honourable the Governor to transmit for your information the inclosed extract from a letter from the resident at Travancore, under date the 7th instant, and to desire that you will immediately take the most effectual steps, consistent with law, to prevent the purchase and exportation of slaves from your Zillah, and to bring to punishment any persons concerned in that nefarious traffic, whose conduct may have exposed them to the penalties of the law.

I am also directed to desire, that you will submit a list of all foreigners and descendants of foreigners, residing at the south in your Zillah, whom there may be reason to suspect of being engaged in this traffic.

I have the honour to be, Sir, your most obedient servant,
(signed) *W. Thackeray*, Chief Sec^{y} to Gov^{t}.

Fort St. George, 25th February 1812.

The same to the Judge and Magistrate, Zillah, North Malabar.

To the Commanding Officer at Pondicherry.

Sir:—I am directed by the Honourable the Governor in Council to transmit for your information the inclosed extract of a letter from the resident at Travancore, under date the 7th instant, and to desire that you will report all the information you can obtain respecting Mr. Valley, the person concerned in the nefarious traffic brought to the notice of Government in Colonel Munro's letter.

I am, Sir, your most obedient servant,
(signed) *Wm Thackeray*, Chief Sec^{y} to Gov^{t}.

Fort St. George, 25th February 1812.

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To the Resident in Travancore.

Sir:—I am directed by the Honourable the Governor in council to acknowledge the receipt of your letter, under date the 7th instant, and to transmit for your information, the inclosed copy of letters of this date, addressed to the magistrates zillahs North and South Malabar, and to the officer commanding at Pondicherry.

In communication with the magistrate, zillah North and South Malabar, you will adopt immediately the most effectual legal measures for preventing the nefarious traffic in slaves, and bringing the persons concerned in it to punishment.

The persons confined in irons have of course been released.

Arrangement will be immediately made for the establishment of an efficient system for the administration of justice and the police, in the ports of Cochin, Quilon, Janganacherry, and Anjengo.

I have the honour to be, Sir,

Your most obedient servant,

(signed) *William Thackeray*, Chief Sec. to Government.

Fort St. George, 25th February 1812.

Extract, Fort St. George Political Consultations, 24th March 1812.

Read the following letters from the officer commanding at Pondicherry.

To the Chief Secretary to Government, Fort St. George.

Sir:—I have the honour to inclose you an examination of Mr. Vally, taken at Pondicherry on the 5th March; and a copy of his examination, taken at the police office on the 19th February last.

This is all the information I have hitherto been able to obtain respecting his being concerned in the purchase of slaves. He informs me, that he is preparing an explanation of his conduct, and treatment of his slaves, since his arrival in India, which, when received by me, I shall not fail to transmit immediately to you, for the inspection of the Honourable the Governor in council.

I have, &c.

(signed) *H. Fraser*, Lieut. Col. commanding, Pondicherry.

Pondicherry, 11th March 1812.

Examination of Mr. François Valley, taken at Pondicherry by Lieut. Colonel Fraser commanding, 5th March 1812.

Question.—How long have you been resident at Pondicherry?

Answer.—Since the month of June last.

2. Did you come from Travancore direct to Pondicherry?

I left Travancore on the 12th June, and arrived here on the 28th of the same month.

3.—Have you any slaves at Pondicherry?

I have five, and one child.

4.—Of what places are they natives?

One is from Madagascar, one from Bourbon (the mother of the child), and three from Travancore.

5.—Had you any slaves at Pondicherry who have left you?

I had two; one by name Hypolite, a native of Bourbon; and another called Boniface, a native of Travancore.

6.—Do you know where they are gone?

Hypolite is gone to Calicut, and, as I am informed, is now in the service of Mr. Bill, commercial resident.

7.—What is become of the other?

He left me without leave, and went to Travancore, where he was laid hold of, and is amongst those taken from my house by Colonel Munro,

8.—Have

8.—Have you taken any measures to recover Hypolite?
I have; after I had ineffectually written about him to Travancore, I applied to the commanding officer at Pondicherry, and made an affidavit before the superintendent of police, that the man was my slave, and had robbed me of a sum of money.

9.—Have you a house at Tanganacherry?
Yes.

10.—Who lives in the house?
Only a servant; it is in charge of my nephew, Mr. Edmond.

11.—Have you any slaves there, and what number?
I have two, and one child. Colonel Munro having ordered away seventeen, of whom the greater part were children, born of slaves, my property.

12.—Are any of them natives of India?
All of them are natives of India.

13.—Of what country are the two slaves, now in your house?
They are from Bourbon, and one of them is the mother of the child already mentioned.

14.—Where did you purchase the slaves that are natives of India, or how did you procure them?
I bought them in Travancore, by permission of the resident (Colonel Macauley), and of the duvan, and the sale was always registered by the cutwal.

15.—For what purpose did you get them?
I bought them to work about my house, and in my garden.

16.—Have you been at any time in the habit of sending them out of the country, and where did you send them?
I never sent any out of the country.

17.—Since your arrival in India, have you disposed of any of your slaves, and where did you dispose of them?
I have never disposed of any.

18.—Are any of them in irons, or were you ever in the habit of putting them in irons?
I never did put any of them in irons, nor do I know that any of them were ever put in irons; and if so, it was without any authority from me.

19.—Were you in the habit of confining your slaves?
Never.

20.—Do you know that there was a proclamation issued at Travancore soon after the war, and another about six months ago, strictly prohibiting any traffic in slaves?
I heard of no such proclamations, nor have I purchased any slaves since the war.

21.—Do you know of any other person or persons, who are or have been engaged in a traffic of slaves?
I know of many who purchased slaves to perform the duties of servants, but of none who bought them with a view of traffic, or of sending them out of the country.

(signed) *F. Valley.*

Examined by me,
(signed) *H. Fraser*, Lieutenant Colonel commanding, Pondicherry.

In the presence of, (signed) *J. White.*

Extrait des Registres du Dépositions et Interrogatoires du Tribunal de la Police de Pondicherry.

Du dix-neuf Fevrier mil-huit cent douze.

Cejourd' hui dix-neuvieme jour du mois de Fevrier mil-huit cent douze, avant midi, est comparie au Tribunal de la Police de Pondicherry, par-devant nous, Joseph Jacques André White, Chef de Police à Pondicherry, assisté de Mr. Antoine François Balemi Declauren, griffier des causes natives en dit tribunal, le Sieur François Vally,

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Vally, negociant de cette ville, lequel nous a dit et déclaré, que dans la nuit du vingt-huit Octobre dernier, un des ses esclaves, nommé Hypolite, a deserti de chez lui, ayant emporté quelque argent qu'il lui voit donné la ville pour ses depenses: qu' ayant cru que cet esclave s'étoit égaré dans les environs de la ville, qu'il en connoissait pas d'autant qu'il n'a jamais pu se douter qu'il le quitteroit, il a attendu jusque au premier Novembre suivant, pour nous en faire sa déclaration et nous donner son signalement: que ce même jour premier Novembre étant entré par hazard dans la chambre du dit Hypolite, il s'est apperçu, qu'il avoit emporté tout son surge, ce qui ne lui a plus laissé de doute sur son évasion; qu' ayant informé Monsieur Edmont son neveu, à Coilon, de la fuite du dit Hypolite, il a appri que cet esclave étoit allé le trouver à Coilon, qu'il lui avoit demandé sa grace pour avoir quitté son maître, et qu'il a resté à son service pendant quelque terms: que le Sieur Edmont l'ayant ensuite envoyé pour quelque commission à Aleppe, il étoit mis au service de Mr. Bell, resident commercial à Calicut; qu'ils a écrit alors à Mr. Jussant pour réclamer ce noir du dit Sieur Bell; que le Sieur Bell a répondu au Sr Jussant, qu'il prenait ce noir saus sa protection, et qu'il ne la rendroit que lorsque lui-dit Sieur avoit pourvu qu'il . son esclave, ainsi que le la correspondence qu'il a eu avec le Sieur Jussant, et celle du Sieur Jussant avec le Sieur B. M. dont il nous a exhibé les originaux à l'instant, par ce plus par nous ne varietur. Que ce noir est compris comme esclave dans le dol de Madame Vally, son épouse, et mentionné comme tel dans son contrat de mariage qu'il ne puit nous remettre, parcequ'il existe à Coilon, et qu'il nous fait la presente déclaration pour que cet esclave soit amené en ville, pour être remis entre les mains de la justice.

De laquelle déposition, le dit Sieur Vally nous a réquis acte, dont acte pour lui servier et valoir ce que de raison, et a signé.

Fait et arreté le dit jour et an y dessus, et avons signé ainsi.

(signé) *F. Valley.* *J. White.*
A. Dulauren, Griffier.

Collationné. (signé) *A. Dulauren.*

To the Chief Secretary to Government, Fort St. George.

Sir:—I have the honour to inclose you a representation from Mr. Vally (and translation of the same), wherein he further explains his treatment of his slaves, and the purposes for which he purchased them, which I request of you to submit to the Honourable the Governor in Council.

I have, &c.
(signed) *H. Fraser*, Lieut. Colonel commanding,
Pondicherry.

Pondicherry, 14th March 1812.

To the Honourable Sir George H. Barlow, Bart. K. B. and Governor in Council, Fort St. George.

Honourable Sir:—I beg leave to lay before your Excellency my justification, respecting the complaints which I so so undeservedly and unexpectedly am charged with, of which I am also just informed, and which had been addressed to your Excellency by Lieut. Colonel Munro, resident at Travancore.

On the 5th instant, I was called by Lieut. Colonel Frazer, commanding at Pondicherry, who asked some questions about the time of my arrival in India; when I left the Malabar coast, the time of my arrival at Pondicherry, the number of my slaves, how and for what purpose I purchased them, &c. My having satisfied him on all the different questions, and signed on the next day, in the presence of the superintendent of police, the verbal process drawn out by Lieut. Colonel Fraser; I on the same day wrote to him, in order to shew how deeply I was affected with that interrogatory, and persuaded that such a measure could only proceed from a superior order given on account of some complaints made against me; I also expressed to him how much I was concerned for my honour, to be acquainted with the nature of those complaints, and begged, that in case there existed any, to be so kind as as to let me know them, that I may be able to answer and justify myself at the same time before government.

Lieut.

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Lieut. Colonel Frazer then acquainted me with the motive of the complaint transmitted to him by government, and which rendered the above stated interrogatory necessary. I saw with as much surprize as regret, it contained the most serious accusations, and led only to dishonour me, and entirely injure my character before a government both just and enlightened, under the protection of which I live these nine years, and to which I may surely state, having given hitherto no cause of dissatisfaction, by the good conduct I always keep.

I saw that I was accused, from the reports made to Lieut. Colonel Munro by Captain Beal, superintendent of the bazars at Quilon, for having bought slaves on the Malabar coast, to carry on a shameful trade in the view of sending them to the Isle of France to be sold; that I was likewise charged for having treated these slaves with the utmost cruelty, kept them without clothes or food; at last, for having confined them in irons.

If the least part of these facts was true, I have without doubt every reason to fear the severity of government; but encouraged by both my innocency and equity, which your Excellency so publicly shew, I am perfectly easy, and have nothing to expect from preventions; but at the first time when some imputations of such a nature can perhaps give rise against me, pursaded that they shall soon be vanished through the evidences of my justification, which I now have the honour to submit.

I will first state to your Excellency, that I truly purchased, like many other persons, some slaves on the Malabar coast, but I did it with the permission of Lieut. Colonel Macaulay, then resident at Travancore, several years previous to the prohibitions made by Lieut. Colonel Munro, and upon the express condition that I will not have them exported.

I am quite ignorant of the reasons that induced Lieut. Colonel Munro to believe I was intentioned to have them transported to the Isle of France, to be sold. The only one, perhaps, which may offer some notion of likelihood, shall be the quantity of those slaves, amounting to one-and-twenty in number, of whom three are at present with me at Pondicherry, and eighteen in my house in Quilon; but in that number there were many very young; some were born in my house, and others purchased with their mothers, and who consequently can be of no use to me; as for those who were able to serve me, I employed some to cultivate my garden, and the rest to the interior service of my house. I may further state, that in purchasing them, I was less guided by views of personal interest, than by a mere act of charity; and in truth, the most of them were more burdensome than useful to me, but nevertheless, I never had any intention of selling them. I shall here observe, that two of them who made their escape, after having stolen from me, the one of whom is called Boniface, and whom I shall hereafter mention, I never had any reason of complaining against them, and on their part, they never shew any desire of leaving me.

To justify myself of the design they suppose me to have entertained of sending those slaves to the Isle of France, it would be sufficient to state here, that God alone is the judge of intentions, and that they have no right to search in my thoughts, nor to punish me for a guilty design I could have formed, unless it could be proved I contrived to carry it into execution; and I may add, that the only persons who depose against me are my own slaves, and that consequently their deposition is inadmissible; and besides, if I should have entertained the design of having them sold at the Isle of France, I would not have told it to any body, and especially to themselves; but I do hereby solemnly declare, upon my soul and conscience, that it never came into my thoughts to make of them an object of speculation, and still less to send them to the Isle of France, nor into any other colony; and the most certain proof I can give of it is, that ever since they had been in my possession, I have not sold one, though it would have been very easy for me to do it, and even to send them to the Isle of France on board the neutral vessels which at that period were trading in India. How, then, supposing even I could have conceived the design to have them sold at the Isle of France, how can I now have the idea of executing it, whilst there is communication with the island but by English vessels, and that there is no one ignorant of that trade being prohibited by government upon the most severe pains? Is not that reflexion more than sufficient to prove that is as unlikely as impossible, that I may have formed the design which I am charged with.

I believe, Honourable Sir, having sufficiently proved that the design which I am imputed with, for having wished to transport and have my slaves sold at the

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Isle of France, is destitute of all foundation, I only have to justify myself on the ill treatment they suppose I had inflicted upon them.

Captain Beal, in his first report to Lieut. Col. Munro, states having met in Mr. Courpalais's garden a man in irons called Komorin Agapen, who complained of having been placed in that situation by my nephew, Mr. Edmond, and told him that he was engaged in my service as a horse-keeper, receiving from me his wages; and further, that he had frequently asked me to increase it, and that at last he made his escape from Pondicherry, where he followed me; and that, on his return in Quilon, he had been arrested, and put in irons, &c.

As for that charge, I observe, 1st, that this man is not free, though he seems willing to be reputed as such, since he said that he received wages, it must be from his own statement. The same individual I purchased at Travancore, whom I named Boniface, and brought to Pondicherry, though I had reasons to be dissatisfied with him, as he had once before committed in my house a robbery, for which he was punished in Quilon by Mr. Nillo, who had the superintending of the police at Tangaracherry. 2d, That I never gave him wages, as he was my slave, and fed and clothed like the rest at my expense. 3d, That it is true that he secretly made his escape, but the true reason of it he appears dissembling, and which I must reveal, is nothing else but another robbery he just committed of some money given to him for my table expenses. 4th, In short, it is also true, that this man, having afterwards returned to Quilon, was arrested, and kept amongst my other slaves; but I am entirely ignorant if he had been put in irons, as I never ordered it; and if the case be so, it must have been done by my horsekeeper to my great disapprobation, and not by my nephew, Mr. Edmond, who, by his character, is far from being able to neither commit or an act of such a nature.

Orig.

Captain Beal, in his second report, states having caused to be brought from my house four women, five young girls, and eleven young boys, besides the man put in irons, and that they were in the most distressed condition, and almost naked.

I already had the honour to state to your Excellency, that I left only eighteen slaves in my house at Tanganacherry, and it is extraordinary enough that there are now one-and-twenty. The wretched state wherein it is thought they were found, has, I trust, been much exaggerated; for it is easy for me to prove, not only by the accounts of my house expenses, but also by the testimony of respectable persons I got acquainted with at Travancore, for the eight years I resided there, that I always treated my slaves as a good master ought to do. I will likewise prove, that ever since my departure from Quilon, I took all the necessary measures with my nephew to have them decently maintained. I further keep a writer in Quilon merely for that purpose, and was waiting for a convenient opportunity by sea, not to send them to the Isle of France, as they say, but to carry them to Pondicherry. What are then the reproaches brought against me, and from whence do these complaints arise? Had I not fulfilled towards my slaves, and even beyond all the indulgences that humanity requires? If I had given them any cause of complaint; if I had treated them inhumanly, who could have forbidden them, particularly having been absent from Quilon these nine months past, to claim justice and protection, that government has at all times granted to the oppressed of whatever condition they may be; but did they do so?—and even at the moment when they had been carried away by force from my house, giving them a liberty they had not claimed, and perhaps far from wishing it, to the exception of one alone, named Boniface, who certainly ought not to have had a great desire remaining with me, as I already stated I had much cause of dissatisfaction with him. Is there any who complained of my treatment towards them? No, certainly; and there is not a more convincing proof of the mild and humane treatment they have always experienced from me.

I can assure your Excellency, that the statement I just have the honour to make is founded upon the most exact truth, and I dare flatter myself it must be sufficient for my justification; however, Honourable Sir, I am far from wishing your Excellency to rely entirely on my words, and the delicacy of my reputation obliges me, on the contrary, to beg your Excellency to cause that affair to be prosecuted according to the judicial form, and with the greatest publicity. The satisfaction it might result from it, could but show my innocency in its fullest light; should your Excellency be desirous to obtain further evidences than mine, in the manner how I purchased my slaves at Travancore, and how I constantly treated them, it is very easy to get respecting it, all satisfactory instructions from different persons who were

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at that time residing in Quilon, or in its vicinity, and particularly from Dr. Macaulay, with whom I always lived during my stay at Travancore, as well as from Lieutenant Colonel Hall, who resides there for several years past. I doubt not their depositions will be conformable to what I just had the honour to state.

After the judgment passed on that point, either by the supreme court, if your Excellency deems it proper to lay before them, or by your Excellency, a judgment I expect with the most perfect security, persuaded it can be but favourable for me, I would doubtless have the right to claim the slaves carried away by force from my house, since I had purchased them at the knowledge and with the permission of the resident at Travancore, and being consequently my property; but as it appears now that they by their own will, or by the instigation of others, wish for their liberty, I agree with all my heart that it be restored to them; and I also sacrifice with much pleasure the money I laid out for them; I sincerely wish they may never have reason to repent of the ungrateful steps they have taken towards me.

I am induced to believe, Honourable Sir, that Colonel Munro, in the complaint he addressed to your Excellency against me, has been inclined but by a statement of humanity and commiseration for individuals he thought oppressed, and in that sense I can but do justice to his intentions; but at the same time, it is painful for me to see, that he could have so easily depended upon imputations of so serious a nature from a single report, destitute of proofs, and without having contrived to be certain if these imputations were true or not.

I did not deem it necessary, Honourable Sir, to answer to that part of Colonel Munro's letter, where it is spoken of the passport he granted me when I left Travancore in the view of proceeding to the Isle of France, this being a matter quite strange to the complaint he addressed to your Excellency against me; it will be sufficient to observe, it is true that when I left Travancore I had the design to proceed to the Isle of France, but circumstances having not permitted it, I resolved to give up this idea, and fix myself with my family at Pondicherry. I reside here formerly nine months at the knowledge and with the permission of government; Lieutenant Colonel Fraser, who commands here, may give an account of my behaviour to your Excellency, and may also ascertain, if it has not always been that of an honest and peaceable man.

I have, &c.

Pondicherry, 14th March 1812. (signed) *F. Valley.*

Ordered to lie on the table until the further report of the resident at Travancore and the magistrate at Malabar shall have been received, when the whole subject will be taken into consideration.

Extract of a Letter from the Court of Directors to the Governor in council of Fort St. George, in the Political Department, dated 10th August 1814.

P. 64.—Transferred to the judicial department.

Letter from, dated 17th October 1812 (14), mentions that several persons had been found in irons at Janganacherry, a port dependent on Cochin, for the purpose of being transported as slaves, and that the result would be communicated from the Judicial Department.

Papers relative to a Portugueze Ship, laden with Slaves, which sailed from Calicut to Goa in 1812.

Extract, Fort St. George Judicial Consultations, 20th November 1812.

Read the following letter from the magistrate in Zillah, North Malabar.

To the Chief Secretary to Government.

Sir:—The accompanying copy of a report made by the officiating master attendant at Calicut to the officer commanding the provinces, of the arrival of a Portugueze vessel on this coast from Mozambique, with a cargo of slaves, was forwarded to me by Colonel Lockhart, to prepare me against her touching at any port within the jurisdiction of this Zillah; but not having heard further of this vessel, I conclude the magistrate has proceeded according to law against the commander, or detained the vessel until the receipt of the orders of government. In order that I may possess a clear rule of guidance for my conduct in the event of a similar arrival in this zillah, I beg to request, that I may be favoured with the special opinion of the legal adviser of government.

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By the exposition already given by that officer, under date the 14th May last, of the statute 51 Geo. 3, his opinion is confined to persons residing within the King's or Company's territories, including the native subjects of this government; though it is evident, from the case he has quoted in his previous letter, dated the 14th April, which was written before he was aware of the Felony Slave Act, of an American slave ship having been seized, carried into a British port, and confiscated under the provisions of the Act 47 Geo. 3, and the opinion he has founded thereon, that as far as relates to the release from slavery, our courts in India would act upon the same principle, and the statute of 51 Geo. 3, being enacted for rendering more effectual the Act 47 Geo. 3, and being expressly declared to extend to all persons whatsoever, being concerned in any way in such practices, in any of the dominions in his Majesty's possession, or under the government of the East India Company, it would seem that any person, whatever might be his nation or colour, receiving on board, to be carried as an article of trade, or even be used as a slave, touching at any port of British India, comes under the meaning and intent of the Felony Slave Act.

The Honourable the Recorder of Bombay has, in charge to the grand jury, on the 12th October last, adverted to the slave trade subject, and the aforegoing opinion appearing to be in unison therewith, as well as the spirit of that delivered by the advocate general on the 14th April, I shall accordingly conform myself thereto, as constituting the most safe rule for interpreting the late and former Acts, should the slave vessel in question or any other slave vessel call at any port within this zillah, until I am favoured with more specific instructions through the regular channel of my own government.

I have, &c.
(signed) *T. H. Baber*, Magistrate.

Zillah, North Malabar, 10th Nov. 1812.

LIST of Arrivals and Departures of Ships and Vessels at and from the Port of CALICUT.

Date.	Arrived or Sailed.	Ship or Vessel's Name.	Commander's Name.	Nation.	Guns.	Tons Burden.	From whence, and Time of Departure.	Sailed to what Place.	Passengers.	Cargo.
Nov. 2	- -	St. Antonio	A. Joze Aguido.	Portuguese	2	40	Mosambique	Goa	None	Slaves, iron, &c.

(signed) *Robert Ley*, Master Attendant.

To Colonel Lockhart, Commander of the Provinces, Cananore.

Sir:—I herewith inclose you a report of the arrival of a Portuguese snow from Mosambique.

I am, &c.
(signed) *Robert Ley*, Master Attendant.

Calicut, November 2d, 1812.

Ordered in consequence, that a letter of the following tenor be dispatched to the advocate general.

To the Advocate General.

Sir:—I am directed by the Honourable the Governor in council, to transmit to you the accompanying copy of a letter from the magistrate of North Malabar, and to request that you will state, what instructions it may seem to you to be proper for the government to furnish to that office.

I have, &c.
(signed) *David Hill*, Secretary to Government.

Fort St. George, 20th Nov. 1812.

Extract, Fort St. George Judicial Consultations, 4th December 1812.

Read the following letter from the advocate general:

To the Secretary to Government in the Judicial Department.

Sir:—I have considered the subject of your letter of the 20th ult. and the communications from the magistrate in North Malabar.

Upon reference to the statute 51 Geo. 3. c. 23, I see that the penalties of the Act attach to all persons residing or being within British territories. There is no crime, under

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under the Portuguese law, in pursuing the slave trade; importation of slaves into their colonies being still notoriously permitted. A Portuguese subject is therefore guilty of no offence, so long as he and the slaves continue in the ship in which he has brought them from Africa or elsewhere, the penalties attach only on importing. I should think, however, that the discovery of an attempt to import slaves into the British territories, in fraud of the statute under false papers and invoices or any other artifice, shewing a knowledge of the law and a design to evade it, would justify a magistrate in directing the ship to be seized, although even in that case, without actual importation by landing the slaves, I do not feel confident that a conviction could follow, nor any penal consequence. But where a Portuguese to whom the trade in slaves is legal, brings his cargo to a British port openly, as an article of traffic, evidently not knowing the prohibition, I think it clear under the statute, that the mere arrival would not constitute a crime, and I should think it the duty of those who know the law, to warn him of it, and of the danger of landing with his slaves. If he were to import them after such notice, he would be justly liable to all the consequences of the Act, but I think not otherwise.

I am, &c.

(signed) *A. Anstruther*, Advocate General.

Fort St. George, 3d December 1812.

Ordered, in consequence, that a letter of the following tenor, be dispatched to the magistrate in North Malabar.

To the Magistrate, North Malabar.

Sir :—I am directed by the Honourable the Governor in council, to acknowledge the receipt of your letter, dated the 10th ult., and to furnish, for your information and guidance, the annexed copy of a report regarding it, which has been submitted by the advocate general.

I am, &c.

(signed) *David Hill*, Secretary to Government.

Fort St. George, 4th December 1812.

PAPERS relative to certain Abyssinian Slaves and Females from Kutch, imported into India in 1814.

Extract of a Letter from the Governor in council of Fort St. George, to the Court of Directors in the Political Department, dated 26th September 1816.

Cons. 18th Nov. 1814. Cons. 21st March 1815, N°s 2 & 4. Cons. 1st July 1815, N°s 6 & 9. Cons. 17th Nov. 1815, N° 2. Cons. 22d Dec. 1815, N° 18.

Para. 37.—The government of Bombay having informed us of a complaint preferred by a dependent of the Pacha of Egypt, against certain public servants in the province of Malabar, for being implicated in the seizure of some Abyssinian slaves and females from Kutch, we referred to the Board of Trade and the magistrate of South Malabar on the subject, and from the replies which we received, it appeared that the accusation against the public servants was without foundation; but the magistrate being of opinion that two persons, named Ruthin Chund and Kalingib Kany Koroo, and others, of whomt he petitioner had complained, were liable to prosecution for having enslaved the girls, deemed it proper to bring them to trial; the prisoners, however not having been found guilty were released.

Cons. 22d Dec. N° 20. Cons. 23d Feb. N° 16 & 18. Cons. 17th May, N°s 12, 13. & 15.

38.—We communicated our proceedings to the government at Bombay, and requested to be informed of their wishes regarding the disposal of the Abyssinian slaves and females from Kutch, who remained under the charge of the magistrate of South Malabar. The Right Honourable the Governor in council at Bombay having requested that the Abyssinians might be sent to that presidency, in order that they might be returned to Egypt, and that the females also might be sent to Bombay, unless they could be satisfactorily provided for on the coast; we informed the magistrate thereof, and directed him fully to explain to the Abyssinians the intention of the government of Bombay, and to leave it to their option, whether they would be sent to that presidency, or endeavour to procure employment and subsistence for themselves by other means; and we further desired the magistrate to report the best and most humane mode of disposing of the females from Kutch. Mr. Pearson informed us in reply, that the Abyssinians did not wish to return to Egypt. We have approved the manner in which he has enabled them to obtain subsistence for themselves, and the arrangement which he proposed for marrying the females from Kutch. We have authorized him to incur the estimated charge on both accounts, amounting to pagodas, 133,17,30 and have reported our proceedings to the government of Bombay.

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Extract, Fort St. George Political Consultations, 18th November 1814.

Read the following letter from the secretary to the government at Bombay, from S. Babington, Esq. secretary to government:

To George Strachey, Esq. Chief Secretary to Government, at Fort St. George, 29th October 1814.

Sir:—I am instructed to transmit to you, for the purpose of being laid before the Right honourable the Governor in council, the accompanying copy of a paper, containing information obtained from Synd Hussin Bin Uhmed Hubushee, the translation of a letter from his Excellency Mahomed Alee, the basha of Egypt, and the copy of a letter from the British consul; and to inform you, that the person charged with his Highness the Pascha's commands, intends to proceed to Calicut, for the purpose of claiming restitution of the property which he represents to have been seized.

2.—I am further directed to acquaint you, that the Right honourable the Governor has given a reply to the Basha's letter, and informed his Highness, that the consideration of the present case has been submitted to the government of Fort St. George.

I have, &c.
(signed) *S. Babington*, Secretary to Government.

Bombay Castle, 29th October 1814.

Information obtained from Synd Hussin Bin Uhmud Hubushee, the brother of Hajee Moosullim, who was recommended to the governor's attention, by the Turkish Viceroy, and the British consul in Egypt.

Hussin Bin Uhmud states, that Uhmud Bin Salim Noemin proceeded about two years ago, in the command of a dow of his own, from Egypt to the coast of Malabar; that on his arrival at Calicut, Uhmud Bin Salim's person was arrested, and thereon taken into custody; that several slaves who were on board, were clandestinely landed by Coonjee Coree Mefa, and are retained by him; that the person also received from Uhmud Bin Salim on his own account and that of his superior, the sum of 3,000 rupees previously to his enlargement. Synd Hussin Bin Uhmud states, that Mr. Gillio was the judge and magistrate at Calicut, at that period; and that he (the Synd) is now sent to India, to endeavour to procure the restoration of those slaves, and the payment of the said sum of 3,000 rupees.

It also appears, from a letter addressed by Uhmud Bin Salim to Syed Hussin, dated the 15th August, that a part of the money above-mentioned, was paid through one Ruttonchind, a part through one Hussin Mamoo; and the residue through the person to whom the letter is addressed; it states, that four of the slaves were native Abyssinians, valued at 400 dollars, five were Rajpoots, at 250 dollars, and eight were females, valued at 800 dollars, making altogether 1,450 dollars; but he adds, that the British authorities were uninformed of these circumstances. The writer also tells his correspondent, that he had written him a letter explanatory of all circumstances, by another vessel; that he inclosed a letter from the Viceroy of Egypt, claiming the restitution of whatever had been received from him, and desiring him in case of a refusal of restitution, to report the circumstance to the Viceroy of Egypt, with the cause of such refusal; as his Excellency being well acquainted with the case, would adopt the necessary measures to procure indemnification; urging at the same time, his correspondent to omit no exertion in his power to effect that object; and appealing to him, as one acquainted with the conduct pursued towards him, with the imprisonment he had suffered, and the disgrace he had experienced, in being thrown into irons, and plundered. He states, however, that he might be satisfied with the restoration of the slaves, and the repayment of the money, desiring his correspondent, in case of refusal, to get one of those implicated in this transaction, to repair to the presence of the Basha, to be confronted with his Excellency, who would then act as he might deem proper. The writer, moreover, enjoins his correspondent not to think lightly of his communication, because the matter would lead to important consequences; and intimates, that it is in the power of the Basha to arrange the business, should he be so disposed.

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Translation of a Letter from his Excellency Mahomed Alee, Basha of Egypt, to the Address of George Brown, Esq. Governor of Bombay, dated 7th Zelkaaa 1228, or 1st November 1813, A. C.

After expressing my earnest desire for an interview, and requesting information regarding the state of your health, I shall proceed to state my object in addressing it. In the first place, I have to inquire respecting your situation; and secondly, to inform you, in a friendly way, that Haja Moosullim, the son of Sulim, a particular friend of mine, and who now proceeds to that quarter, is my servant and dependent, worthy of every attention. I therefore hope, from your friendship, that you will not allow anybody to molest or annoy him, and you must treat him with mildness.

(A true translation.) (signed) *Richard Thomas Goodwin,*
Sec^{y} and Translator in the Office of Country Correspondence.

His Excellency the Right Honourable Sir Evan Nepean, B^{t}.

Sir:—I have been earnestly requested by the Austrian consul general, in this country, to recommend to your Excellency's protection, the bearer, Salim Eba Niram, master of a dow, who is about to sail for India, with a cargo of goods belonging to Hadja Mekki Holani, a respectable merchant of this place. It appears, that in a former voyage to Bombay, Salim Eba Niram was there mistaken for a Uahabee, which subjected him to considerable difficulties in transacting the business that carried him thither; and it is to prevent a recurrence of a similar inconvenience that I have been applied to for this letter, with which, however, I should have been unwilling to furnish him, had I not been assured, that he has also been recommended to your Excellency by the Viceroy of Egypt.

I have, &c.

Cairo, 19 November 1813. (signed) *Ernest Missett.*

Ordered, in consequence, That the following letter be dispatched to the Board of Trade.

To the President and Members of the Board of Trade.

Gentlemen:—I am directed to transmit to you the inclosed copy of a letter from the secretary at Bombay, and to desire that you will submit to the Right honourable the Governor in council, such information on the subject to which it relates, as the records of your office may afford, or as you may be enabled to obtain from the commercial residents, or from the collector of sea customs in Malabar.

I have, &c.

(signed) *G. Strachey,* Chief Secretary.

Fort St. George, 18th November 1814.

Extract, Fort St. George Political Consultations, 21st March 1815.

Read the following Letter from the Secretary to the Board of Trade.

To the Chief Secretary to Government, Fort St. George.

Sir:—I am directed by the president and members of the board of trade, to acknowledge the receipt of your letter of the 18th November last, and to state, for the information of the Right honourable the Governor in council, that the collector of sea customs in Malabar and Canara, has reported, that no part of the custom servants were implicated in the seizure of the slaves alluded to, and that none of them had received any bribe, as set forth in the deposition forwarded by the Bombay government. N° 2.

I have, &c.

(signed) *E. Smalley,* Secretary.

Madras, Board of Trade Office, 9th Feb. 1815.

Ordered, in consequence, That the following Letters be dispatched. N° 3.

To the Judge and Magistrate of the Zillah of South Malabar.

Sir:—I am directed to transmit to you the inclosed copy of a dispatch from the Secretary at Bombay, relative to a complaint preferred by a dependent of the basha of Egypt, against certain public servants in the province of Malabar. N° 4.

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2.—It is the desire of the Right honourable the Governor in council, that in communication with the late judge and magistrate, you will submit an early report of all the circumstances connected with the alleged grievance.

I have, &c.

(signed) *G. Strachey*, Chief Secretary.

Fort St. George, 21st March 1815.

To G. W. Gillio, Esq. Third Judge of the Provincial Court of Appeal and Circuit, for the Western Division.

N° 5. Sir:—I am directed by the Right honourable the Governor in council, to transmit for your information and guidance, the inclosed copy of a letter from the Secretary at Bombay, under date the 29th October last, and of the orders dispatched in consequence, to the judge and magistrate of the Zilla of South Malabar, of this date.

I have, &c. &c.

(signed) *G. Strachey*, Chief Secretary.

Fort St. George, 21st March 1815.

Extract, Fort St. George Political Consultations, 1st July 1815.

Read the following letter from the Magistrate in the Zillah of South Malabar.

To the Chief Secretary to Government, Fort St. George.

N° 6. Sir:—I have the honour to acknowledge the receipt of your letter of the 21st March last, inclosing copy of a dispatch from the government of Bombay, and desiring that I should, in communication with the late judge and magistrate, submit a report of all the circumstances connected with the alleged grievance of Ahummud Bin Salim, a merchant and naquedah, who traded to this coast in 1812–13.

2.—In obedience to the orders of the Right Honourable the Governor in council, I have now the honour to state, that in the month of January 1813, a report was made to the judge and magistrate by the tannadar of Beypoor, and also by certain merchants of Calicut, touching the arrival in the Beypoor river of two Arab vessels from Kutch, on board which, besides the crew, there were observed several women and children, apparently Hindoos, and evidently under restraint; the treatment which these poor people received from the individuals composing the crew, was at the same time described to be such as to demand the prompt interference of the magistrate. The two Arab vessels were accordingly ordered to be searched, and certain women, boys, and girls, all apparently of the Rajpoot caste, and thirteen in number, were brought to the court, and some of the eldest underwent an examination by the magistrate.

3.—From the narrative given by these people, it would appear that the Arab vessels arrived at Kutch during the famine of 1812; that the poorer classes being in a state of actual starvation, individuals were glad to throw themselves or their children, for a few rupees, into the hands of anybody who would give them food. Under these circumstances of distress, the women and children in question embarked with the Arabs, and were brought from Kutch. Such of the females as were old enough, there is little doubt were treated in the manner alluded to by Mr. Gillio in his answer to my letter; and that gentleman, taking into consideration their forlorn condition, the declaration of the women, that nothing short of violence should induce them again to go on board the vessels, and the offer made by Ruttun Chund (a Kutch man), and other merchants, to maintain and procure them the means of returning to their own country, deemed it to be his duty to set them free, and at liberty to return to their native place, depending upon the word of the said Ruttun Chund, a principal and apparently respectable merchant, to send them back to Kutch, between which port and Calicut vessels in which he had a concern were frequently passing.

4.—It further appears, that during the investigation above mentioned, the Noquedah Ahmmud, as also the commander of the second vessel, were brought to the court, and kept under restraint during the day-time for three successive days, being allowed to go away each evening, on bail given by Kalingil Kuny Koroo. There does not appear to me to be the least foundation for that part of the noquedah's complaints, in which he states his having been put into irons, the place in which he was detained as above, as distinct from the jail, being one of the rooms

under

under the then court-house, appropriated principally to the confinement of debtors.

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5.—Such is simply the plain statement of the matters adverted to in the paper of information delivered in at Bombay by Seyed Hussen, as far as the knowledge and concurrence of the judge and magistrate extended; but other circumstances of a very different complexion appear to have taken place unknown to the magistrate; if any fair or just inference can be drawn from the information conveyed in the numerous and tedious examinations which have been taken by me in the hope of arriving at the truth. In their present defective state, however, but few of the facts advanced admit of judicial proof, and it might therefore be unbecoming in me to state the impression my own mind has received regarding them, as it is possible my conclusions may ultimately prove erroneous. On this consideration I feel it my duty to confine myself to observing, that there is strong reason to suspect, that the Noquedah Ahummud suffered indignities and very injurious treatment at the instance of Kalingil Kany Koroo, Ruttun Chund, and others leagued with them; first, in having had four of his Abyssinian slaves enticed away, to be employed in a ship then building at Beypoor by Kany Koroo, and now sailing under the name of the Jenarzin; and, secondly, in having had upwards of 2,200 rupees extorted from him.

6.—The absence of the noquedah, and the time which has since elapsed (upwards of two years), are the unfortunate circumstances which have hitherto baffled my endeavours to bring the acts complained of home to the parties accused. The conduct of his Vakeel Seyed Hussen has been any thing but that of a man desirous of promoting his master's cause; indeed, I am disposed to think he may have been bought off, and at the same time have negociated and effected an advantageous compromise, that will satisfy both the pecuniary interests and personal honour of Ahmud Bin Salim.

7.—In this state of things, I take the liberty of submitting to the consideration of the Right honourable the Governor in council, the expediency of acquainting the government of Bombay with what has as yet come to light, and to recommend that means may be taken to obtain the attendance of the noquedah at this place, when I have no doubt of being enabled to ascertain the truth.

8.—With regard to the four Abyssinian slaves enticed away by Kalingil Kuny Karoo, and the thirteen free-born women and children, liberated by the magistrate; the Abyssinians have from that time to the present continued in the service of the said Kuny Karoo, and are now in Calicut, apparently contented, and inclined to make no discovery; their present master being questioned respecting them, says, that they enlisted themselves in his service, with the view of being employed in his ship; that they receive monthly pay, and are not slaves; but a different state of this case will, I hope, at some time or other, be proved. Of the others, three women and one boy are said to have been sent back to Kutch, but I do not credit it, although I have no reason to believe them to be still in Malabar. Two other boys were sent to Bombay, one of whom is said to have enlisted in one of the battalions there; the other came back to Calicut, and is now a servant in Ruttun Chund's family, although no longer admitted to be of the Rajpoot caste; a third boy is similarly situated in the house of Kesoojee, a Kutch merchant at Tellicherry; a fourth (made over by Ruttun Chund, and five or six years old), apparently the adopted son of Parsee, of Calicut; five girls, the eldest of whom could not have been more than ten or eleven years of age, came into the hands of Kalingel Kuny Kuroo. Of these three were made over to two moplas, his dependents, under what circumstances cannot be proved. The others were employed as servants, and in fact slaves for some time in his own house, and afterwards sold or made over as such to a man named Hyaat, formerly a havildar in the revenue department, and then a salt agent in the public service at Ponany.

9.—When news was first received by the delinquents in Calicut, (eight months ago) of Syed Hussan's arrival in Bombay, these unfortunate girls were sent back to this place, and fixed with one of the Moplas above mentioned, it being at the same time pretended that they had never quitted Calicut; but having succeeded in tracing them to Ponany, and from thence to Chetneye (out of the jurisdiction of this court), and from Chetneye again back to Calicut. After an absence of nearly a year and a half, I considered it to be my duty to commit Ruttun Chund Kalingil, Kuny Karoo, Hyaat Havildar, and two others, to take their trial before the court of circuit, for enslaving these girls; the evidence is very strong against them, and there seems little doubt of their being finally convicted, though it is yet uncertain

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what the futwa of the mooftee who sat on the trial will be. The kazee of the provincial court being sick, the judge of circuit was obliged to employ the law officer of the zillah court, during the late sessions.

10.—It remains for me now only to request the further instructions of the Right honourable the Governor in council, regarding any further prosecution of this inquiry, and his orders in respect to the disposal of the Abyssinian slaves, and such of the free-born boys and girls as are still forthcoming. Their caste being irretrievably lost, a change in the destination of the boys I do not conceive would be at all desirable; the case of the four girls (the fifth died many months ago) is different, they are already led to consider themselves as belonging to a Mahomedan set, and they could only be received into families of that caste; but girls so situated, unless respectably married, are treated extremely ill, and often cruelly. I should therefore recommend their being portioned and given in marriage to respectable moplas, which I imagine may be done at no great charge.

11.—In regard to the Abyssinians, should it not be thought necessary to send them back to Egypt, it would be advisable they should go to Bombay, where the senior magistrate might be requested to procure them employment as sailors on the usual fixed pay, being thereafter left to their own discretion.

I have the honour, &c.
(signed) *J. H. Pearson,* Magistrate.

Zillah, South Malabar, 15th May 1815.

To G. W. Gillio, Esq. late Judge and Magistrate, Zillah South Malabar.

Sir:—I have the honour to inclose for your perusal, copy of a letter and its enclosure, from the chief secretary to government.

Having on a former occasion seen the papers transmitted by the government of Bombay, I have for some time past been employed in collecting information to enable me to explain to the Right honourable the Governor in council, the circumstances of the Noquedah Ahmud's complaints; but my report cannot be rendered satisfactory, unless your memory should enable me to explain certain points upon which my inquiries have led to nothing certain, and I am therefore desirous of being informed what you proposed become of the women and children, on being released from their bondage, and what your orders then were respecting them, and further, whether on the return of the vessels to Calicut Roads from Allepy (about six weeks or two months after their quitting Beypoor, the second time), you issued any orders for the apprehension or confinement of the noquedah, or any of his people.

The statement of Seyed Hussin appears to me to contain, at least, one unfounded assertion. I do not believe the noquedah was put in irons; and, indeed, there seems reason to doubt, whether it was your intention that he should at any time have been confined. On this point, and any others which may strike you, I request you will favour me with such particulars as you may wish the government should be in possession of.

I must beg an early reply, as I wish to make my report as soon as I have learnt the issue of the trial of Ruttun Chund, Kuny Karoo, and others, for enslaving two of the children therein alluded to.

I have the honour, &c. &c.
(signed) *J. H. Pearson,* Magistrate.

Zilla, South Malabar, 4th April 1815.

To the Judge and Magistrate of South Malabar.

Sir:—I have the honour to acknowledge the receipt of your letter of the 4th instant, together with the inclosures; and I beg leave to give the following explanation of the matter in question, as far as I can, from my recollection.

2.—About the month of January, in 1813, a boy, of the Rajpoot caste, about 12 or 14 years of age, as far as I recollect, came to me, attended by several of the principal Hindoo merchants of Calicut, and complained, that himself and some women and children of the same caste, had been kidnapped from their country (Cutch) by the Arabs of two dows, which were then lying in the river at Bheypoore, and likewise stating, that he had made his escape; but that the women and children were on board the dows. The account he gave me of the ill treatment he had received, and also of the brutal manner in which the women and

children

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children had been treated, induced me to send the cutwal to land, and bring before me these people, in order that I might ascertain, if what the boy stated was true; they were accordingly brought before me, and their depositions taken. As far as I can recollect, there were three grown women, two or three young girls, and, I believe, four boys, including the boy who first made his complaint, all of the Hindoo caste; they stated, I think, in their depositions, that they had been enticed from their country by the Arabs, and had been excessively ill-treated on board of the dows, the women and young girls asserting, that they had been violated by the noquedah and others, and the whole of them declaring they would rather die, than be obliged to return on board the dow again. Under these circumstances, I considered it not only an act of humanity, but my duty, to set them at liberty, as far as to deliver them in charge to Ruttun Chund and the other merchants, to maintain and send them back to their country, when an opportunity should occur. This I was induced to do, on a voluntary offer from Ruttun Chund and the others, to this effect: Ruttun Chund, who is a native of Cutch, being considered by me as principally answerable for the fulfilment of this; and on these terms they wore delivered over to him.

3.—I cannot exactly call to mind what exculpation the noquedahs set up, but as far as I can recollect, I do not believe they urged the plea of these women and children being slaves, and their property, but denied having kidnapped them; and stated, that they had come on board their dows in consequence of a famine in the country at the time, and that they had come away with them of their own free will.

4.—I can positively declare, that the noquedahs were never confined, to my knowledge, or by my order, beyond a few days, whilst the matter was under investigation, and that as far as I recollect, in one of the rooms of the court house, and were allowed to go out to their victuals; after the investigation was closed, they were permitted to depart. They were never put in irons, or were they ever, by my order, confined a second time.

I have the honor, &c. &c.

(signed) *G. W. Gillio*, late Judge and Magistrate.

Tellicherry, 21st April 1815.

(True copies.) (signed) *J. H. Pearson*, Magistrate.

Ordered, in consequence, That the following Letters be dispatched. N° 7.

To the Judges of the Sudur Fouzdaree Udalut.

Gentlemen:—I am directed to desire that you will submit, for the information of the Right honourable the Governor in council, the final proceedings of your court, in the case specified in the inclosed extract from a letter from the magistrate of the Zilla of South Malabar, dated the 15th May. N° 8.

I have the honour to be, &c. &c.

(signed) *G. Strachey*, Chief Secretary.

Fort St. George, 1st July 1815.

Extract, Fort St. George Political Consultations, 17th November 1815.

Read the following letter from the deputy register to the court of Foujdarry Adawlut.

To the Chief Secretary to Government.

Sir:—I am directed by the court of Foujdarry Adawlut, to transmit to you herewith a copy of their final proceedings on the case of Ruttum Chund and others, as called for by your letter of 1st July last, and to request that you will submit the same for the information of the Right honourable the Governor in council. N° 2.

I have, &c.

(signed) *H. Mortlock*, Deputy Register.

Foujdarry Adawlut, Register's Office, 30th October 1815.

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Extract from the Proceedings of the Foujdarry Adawlut, under date the 30th October 1815.

Read again, letter dated the 1st July last, from the chief secretary to government, desiring the court to submit their final proceedings in the case of Ruttum Chund and others, for the information of the Right honourable the Governor in council.

Ordered, That a copy of the final sentence of the court in the foregoing case, N° 5, of the additional calendar of the zillah of South Malabar, on the first sessions of 1815, together with an extract from the proceedings, be transmitted to the chief secretary to government, and that he be requested to submit the same for the information of the Right honourable the Governor in council.

(A true extract,) (signed) *H. Mortlock*, Deputy Register.

Futwa of the Foujdaree Adawlut.

Before the court of circuit, the prisoners,

1st, Ruttum Chund; and
2d, Kahrigil Kuma Kuroo,

When arraigned, denied that they kept in their possession several children bought in a state of slavery by Ahmed Nakhedee, from whose ships they were landed by order of the magistrate, and which (said children) they had received from the magistrate, on their undertaking to send them back to their native country. They further denied having sold, or otherwise disposed of two females of the said number, named Iropee and Luloree, to Pandal Tayate Ayate, the 3d prisoner.

And the statement made by these prisoners, when put on their defence, implies a denial of the crimes laid to their charge.

The 3d prisoner, Pandal Tayate Ayate denied that, knowing the aforesaid girls to be free-born children, he took them as his slaves, kept them in confinement, changed their names to Patoorma and Amina, dressed them as mopla women; again changed ther names to Chachey and Kalee, dressed them as Teatros, secreted them in the (payengery naud) hobily, in the house of one Arramparrambil Chatreony, and afterwards sent them to Calicut.

When put on his defence, he stated in substance to the following effect: "The two girls were sent by one Ookamoo, along with my wife; when I discovered it, I told Moideen Kooty (the 5th prisoner) to send them back to Calicut, which he promised to do; I do not know what happened subsequent to this."

The prisoners, 4th, Areamparrambill Chatoo Ooney, and
5th, Pandal Tayate Moideen Kootty,

Denied that, knowing the two aforesaid girls to be free-born, they were accomplices of the 3d prisoner, Pandall Tayate Ayate, and assisted him in changing their names and dress, and secreting them at Chetye.

When put on their defence, the 4th prisoner, Areamparrambill Chatoo Ooney, stated nothing; and the 5th prisoner, Pandal Tayate Moideen Kooty, stated in substance to the following effect: "When I came to Poonadee, my father, Hyat (the 3d prisoner), told me, that two girls were to be sent to Calicut; afterwards I went to Chougat, and the two girls were sent with a man after me; when finding the youngest seized with the gout, I apprized my father of it; he sent me word to keep the child at Chatoo Ooney's house until she should recover; on which the girl was sent to the house of the said Chatoo Ooney; as soon as the girl got well, I sent them both to Ookoomoo's house."

The evidence of the witnesses does not convict the prisoners of the crimes laid to their charge; for although some of them depose, that they saw the aforesaid two girls in an upper room of Pandal Ayate, the 3d prisoner's house, yet this circumstance, when viewed in connection with the statements of the 11th witness, and of one of the girls in question, does not establish a suspicion of the aforesaid crime; for the above-mentioned witness deposes, that the wife of Pandal Tayate Ayate, the 3d prisoner, came to Ookoomoo's house, and that on her going, she saw Ookoomoo send two girls along with her: and one of the girls states to the following effect: "The wife of Pandal Tayate Agate, the 3d prisoner, came to Ookoomoo's house; and on her going away, Ookoomoo sent me and Umeenah along with her; the 3d prisoner's wife,

wife, accordingly took and kept us both at Poonalee, where we were attacked with boils and itch, &c. on which she took us from thence to the house of Chatoo Ooney, the 4th prisoner, who mixed up some oil, &c. and gave it to us; a few days after, two men came and took us away to Ookoomoo's house.

Hence the prisoners are not convicted of the crimes laid to their charge, and should be released.

(A true translation.) (signed) *H. Mortlock*, Deputy Register.

The court having maturely considered the proceedings held before the First Judge on circuit (in case N° 5, of the additional calendar) the futwa of the provincial law officer, and the futwa of the cazee ool coozat, and mooftees of the foujdary adawlut, do confirm the said futwa of the cazee ool coozat and mooftees aforesaid, and do direct that the prisoners; 1st. Rutum Chund; 2d. Vralingel Kumy Koroo; 3d. Pandal Tayate Ayate; 4th. Areamparrambil Chatoo Oonery; and 5th. Pandal Tayate Moideen Koottey, be accordingly set at liberty.

By order of the Court of Foujdarry Adawlut.

(signed) *H. Mortlock*, Deputy Register.

30th October 1815.

Ordered, in consequence, That the following letter be dispatched to the Chief Secretary to Government, at Bombay: N° 3.

To F. Warden, Esq. Chief Secretary to the Government at Bombay.

Sir:—With reference to my dispatch of 1st July last, I am directed to request, that you will submit to the Right honourable the Governor in council at Bombay, the inclosed extract from the proceedings of the Sudder Fouzdarry Adawlut at this presidency, reporting the result of the trial of Ruttum Chund and others, on an accusation of enslaving certain females, natives of Guzerat. N° 4.

I have, &c.

(signed) *G. Strachey*, Chief Secretary.

Fort St. George, 17th November 1815.

Extract, Fort St. George Political Consultations, 22d December 1815.

Read the following letter from the magistrate of the Zillah of South Malabar.

To the Chief Secretary to Government, Fort St. George.

Sir:—In reference to my letter of the 10th May last, I have now the honour to inform you, for the information of the Right honourable the Governor in council, that the evidence brought against the prisoners, in the case alluded to in the 9th paragraph, being deemed unsatisfactory by the Mahomedan law officers, they stand acquitted of the charges brought against them. N° 18.

Soon after the sentence was communicated to Kalingil Kany Koroo, that person requested that he might be no longer considered responsible for the four girls mentioned in the 10th paragraph of my report, and I have in consequence caused them to be removed from their former residence, and placed under the protection of the Kazee of Calicut, until such time as I may be honoured with the instructions of government regarding them. I request also to be informed, whether the four Abyssinians referred to in the last paragraph of my letter, may be permitted to quit this place, with a view to procuring employment on board of ship.

I have the honour, &c.

J. W. Pearson, Magistrate.

Zillah, South Malabar, 6th December 1815.

Ordered, in consequence, That the following letter be dispatched to the chief secretary to the government, at Bombay. N° 19.

To F. Warden, Esq. Chief Secretary to the Government, at Bombay.

Sir:—With reference to my dispatches, dated the 1st July, and 17th ultimo, I am directed to transmit to you the inclosed copy of a further letter from the magistrate of South Malabar on the same subject, and to request that you will ascertain, for the N° 20.

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information of this government, the wishes of the Right honourable the Governor in council, with respect to the disposal of the natives of Guzerat and Abyssinia, therein mentioned.

They will continue under the care of the magistrate, until your reply shall be received. I have the honour to be, &c. &c.

(signed) *G. Strachey*, Chief Secretary.

Fort St. George, 22d December 1815.

N° 21. Ordered, That a copy of the foregoing letter be furnished, for the information and guidance of the magistrate of the Zillah, South Malabar.

Extract, Fort St. George Political Consultations, 23d February 1816.

Read the following letter from the chief secretary to the government at Bombay.

To George Strachey, Esq. Chief Secretary to the Government at Fort St. George.

Sir:—I am directed by the Right honourable the Governor in council, to acknowledge the receipt of your letters, dated the 1st July, 17th November, and 22d ultimo, on the subject of the trial of Rutton Chund and others, accused of enslaving certain natives of Guzerat and Abyssinia.

2.—The Governor in Council requests that the Right honourable the Governor in council at Fort St. George, will be pleased to order the Magistrate of South Malabar to send up the Abyssian slave to Bombay, by the Ernaad, or any other opportunity that may sooner offer, of one of the Honourable Company's cruizers, as also the Cutch girls, unless they could be disposed of in a satisfactory manner on the coast.

3.—The Abyssinian slaves will, on their arrival, be returned to the Arabian Gulph, and this government will apprize the pacha of Egypt of the proceedings which have taken place, and of the necessity for the attendance of the Naquedah Ahammud, if further inquiries be intended to be followed up on the points adverted to in the 5th paragraph of the magistrate's letter of the 15th May.

Bombay Castle, Feb. 1, 1816. I have, &c.

(signed) *F. Warden*, Chief Sec^{y} to Gov^{t}.

N° 17. Order thereon. Ordered, in consequence, That the following letter be dispatched to the magistrate of the zillah of south Malabar.

To the Magistrate of the Zillah of the South Malabar.

N° 18. Sir:—I am directed to transmit to you the inclosed copy of a dispatch from the chief secretary at Bombay, regarding the disposal of the Abyssinian slave and females from Cutch, now under your protection.

With respect to the former, you will fully explain to them the intention of the government at Bombay, to return them to a state of slavery in Egypt, and that under that declaration, the Governor and council leaves it to their own option, whether they will be sent to that presidency, or endeavour to procure employment and subsistence for themselves by other means.

A further report from you, respecting the best and most humane mode of disposing of the Cutch females, appears to be required; and you will particularly state the expense which would allow their marriage, according to the arrangement which you before proposed, if you should still consider it to be advisable.

I have, &c.

(signed) *George Strachey*, Chief Sec^{y} to Gov^{t}.

Fort St. George, 23d February, 1816.

Extract, Fort St. George Public Consultations, 17th May 1816.

Read the following letter from the magistrate of South Malabar.

To the Chief Secretary to Government, Fort St. George.

N° 12. Sir:—I have to acknowledge the receipt of your letter of the 23d February last, and the honour to inform you, for the information of the Right honourable the Governor in council, that the four Abyssinians have gladly availed themselves of the

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the option allowed them of gaining their own livelihood in India, in preference to returning to Egypt; and with this view, I sent them to the magistrate at Cochin, who found no difficulty in procuring them regular employment on board the ship Helen, under dispatch for Bengal. These poor people being without the means of supplying themselves with necessaries, I considered it my duty to advance them two pagodas each man.

With respect to the three females, I have ascertained from the Karee of Calicut, that they may be married to young men of respectability, and some little property, for about thirty-five pagodas each, an expenditure which I should hope the government will be pleased to sanction, in consideration of the forlorn state to which the unfortunate girls have been reduced.

	Pagodas.
The portions and marriage expenses of the girls will amount to - - - - - -	110 – –
The sum advanced the four Abyssinians - -	8 – –
The expense already incurred in the subsistence of the girls, and a continuation of the same up to the end of June - - - - -	15 17 13
Total, star pagodas - - -	133 17 13

Should the Right honourable the Governor in council be pleased to approve the arrangements now reported, I must request the sanction of government to the above contingent charges.

I have the honour, &c.
(signed) *J. W. Pearson*, Magistrate.

Zillah, South Malabar, 2d May 1816.

Ordered, That the following reply be dispatched to the magistrate of South Malabar:

To the Magistrate of the Zillah of South Malabar.

N° 13. Sir:—I am directed to acknowledge the receipt of your letter of the 2d instant.

The Governor in council approves the manner in which you have placed the Abyssinian slaves at their own disposal, and have enabled them to obtain a subsistence for themselves. He also considers the proposed arrangements for marrying the females from Guzzerat, to be very satisfactory, and you are authorized to incur the estimated charge on both accounts, amounting to pagodas 133. 17. 13.

I have, &c. &c.
(signed) *Geo. Strachey*, Chief Secretary.

Fort St. George, 17th May 1816.

N° 14. Ordered, That copies of the foregoing letters be furnished to the civil auditor, for his information and guidance, and that the following letter be dispatched to the chief secretary to the government at Bombay.

To F. Warden, Esq. Chief Secretary to the Government at Bombay.

N° 15. Sir:—I am directed by the Right honourable the Governor in council to acknowledge the receipt of your letter of the 1st of February last, and to transmit, for the information of the Right honourable the Governor in council, the inclosed copy of correspondence with the magistrate of the zillah of South Malabar, regarding the disposal of the Abyssinian slaves, and females from Kutch, alluded to in your dispatch.

I have, &c. &c.
(signed) *G. Strachey*, Chief Secretary.

Fort St. George, 17th May 1816.

Extract of a Letter from the Court of Directors to the Governor in council of Fort St. George, Political Department, dated 28th January 1818.

(37, 38.) Charges preferred against certain public servants in Malabar, of being implicated in the seizure of some Abyssinian slaves and females from Cutch, proved to be without foundation.

40.—We observe, by the letter from the Board of Trade, of the 9th February 1815, that none of the custom servants were implicated in the charges brought forward by Hussein Bin Uhmud Habashee, of the seizure of the slaves alluded to, or received any bribes. Mr. Gillio's explanation of the reasons which induced him, while acting as judge and magistrate of South Malabar, to exert the authority of his office in behalf of the

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male and female natives of Cutch, who appear to have been brutally treated by the masters of the Arab vessels, is we think satisfactory, and creditable to his character as a British magistrate.

41.—It would appear, from the proceedings of the Foujdarry Adawlut, of 30th October 1815, that Rutten Chund, Kalingil, Kunny Kooroo, and three others, were brought to trial for having enslaved the girls; but not being found guilty, were released.

42.—We have to signify our sanction to the expense incurred on account of those unfortunate people, amounting to pagodas 133, and our approbation of the mode adopted by Mr. Pearson, the magistrate of South Malabar, as stated in his letter of the 2d May 1816, for providing for the four Abyssinians, and for marrying the three females from Cutch.

Extract, Fort St. George Political Consultations, 2d December 1818.

Read, the following letter from the Secretary to the government at Bombay, to D. Hill, Esq. secretary to the government at Fort St. George.

N° 22.

From the Secretary to the Government at Bombay, with a copy of a letter from the Governor of Judda, requesting that assistance may be afforded to the agent of a person named Bin Nawowee, who has been dispatched to Calicut.

Sir:—In reference to Mr. Chief Secretary Strachey's letter, dated the 22d December 1815, I am directed by the Right honourable the Governor in council, to transmit to you, for the purpose of being laid before the Right honourable the Governor in council at Fort St. George, the accompanying copy of a letter from the Governor of Judda, dated the 4th August last.

I have, &c.

(signed) *W. Newnham*, Sec. to Government.

Bombay Castle, 2d November 1818.

Translation of a letter from Uuson Basha, the Governor of Judda, to the Right honourable Sir Evan Nepean, Bart., Governor of Bombay, dated the 1st Shaval, 1233 Hijeree, or 4th August 1818.

(After compliments.)

We feel grateful to the Almighty on every account, and we are always anxious to hear of you from persons arriving. I some time ago transmitted to you a letter regarding what was taken from a dow belonging to Bin Nusanee, at Calicut, by Uneer Coonjee Cooree, Rattousa, Baboo Furwa, and Wazeer Ryot, and I have been informed of your instructions to them. I have heard that the slaves (males and females) and money was produced by them. His agent, Syynd Salim, Bin Hoosim, Bin Oomer, Bin Shuikh, Ukuel Bin Salim, is now dispatched to that quarter, and I have to request, that on his arrival you will afford him your assistance, extending to him at the same time your kind regards, according to what has always been customary between the two countries. I beg you will moreover command my services on all occasions.

(A true translation.)

(signed) *R. T. Goodwin*, Secretary and Translator in the Office of Country Correspondence.

Ordered, in consequence, that the following letter be dispatched to the magistrate of Malabar:—

N° 24.

To the Magistrate of Malabar.

To the Magistrate of Malabar, to request information with regard to the disposal of certain Slaves.

Sir:—With reference to former correspondence, a copy of which is inclosed for your immediate information, I am directed by the Right honourable the Governor in council, to transmit to you the inclosed copy of a letter from the secretary to the government at Bombay, dated the 2d ultimo. The Right honourable the Governor in council desires to be informed whether the arrangement authorized on the 17th of May 1816, for disposing of the slaves in question, has been carried into effect.

I am, &c.

(signed) *Geo. Strachey*, Chief Secretary.

Fort St. George, 2d December 1818.

Fort St. George Papers: State of Slavery in Company's Territories.

Extract, Fort St. George Political Consultations, 9th February 1819.

Read the following letter from the magistrate of Malabar:—

To the Chief Secretary to Government, Fort St. George.

N° 21. From the Magistrate of Malabar; states that an arrangement for the disposal of certain slaves has been carried into effect.

Sir:—I have the honour to acknowledge the receipt of your letter, and inclosures, of the 2d instant; and in reply, to state for the information of the Right honourable the Governor in council, that I have taken depositions from two persons to whom the disposal of the people in question was intrusted, by which it will appear, that the arrangements authorized on the 17th of May 1816, for disposing of the slaves, has been duly carried into effect.

I have, &c.

(signed) *J. Vaughan*, Collector and Magistrate.

Calicut, December 31st, 1818.

N° 22. Order thereon.

Ordered, in consequence, that the following letter be dispatched to the acting chief secretary to the government, at Bombay:—

To W. Newnham, Esq. Acting Chief Secretary to the Government, Bombay.

N° 23. To the Acting Chief Secretary to the Government at Bombay, with copies of a letter to the Magistrate of Malabar, and of his reply.

Sir:—I am directed to acknowledge the receipt of your letter of the 2d November last, and to transmit to you, for the information of the Right honourable the Governor in council, at Bombay, the inclosed copies of one, dispatched in consequence to the magistrate of Malabar, and of his reply. You will perceive that the slaves, to which your dispatch refers, have been disposed of according to the arrangement reported on the 17th May 1816.

I have, &c.

(signed) *G. Strachey*, Chief Secretary.

Fort St. George, 9th February 1819.

Extract, Bombay Political Consultations, 17th March 1819.

Read the following letter from the Chief Secretary to the government at Fort St. George, to Mr. Acting Chief Secretary Newnham, dated the 9th February, with inclosure:—

Sir:—I am directed to acknowledge the receipt of your letter of the 2d of November last, and to transmit to you, for the information of the Right honourable the Governor in council at Bombay, the inclosed copies of one, dispatched in consequence to the magistrate of Malabar, and of his reply; you will perceive, that the slaves to which your dispatch refers, have been disposed of according to this arrangement, reported on the 17th of May 1816.

I have, &c.

(signed) *J. Strachey*, Chief Secretary.

Fort St. George, 9th February 1819.

The Magistrate of Malabar.

Sir:—With reference to former correspondence, a copy of which is inclosed, for your immediate information, I am directed by the Right honourable the Governor in council, to transmit to you the inclosed copy of a letter from the secretary to the government at Bombay, dated the 2d ultimo. The Right honourable the Governor in council desires to be informed, whether the arrangement authorized on the 17th of May 1816, for disposing of the slaves in question, has been carried into effect.

I am, &c.

(signed) *G. Strachey*, Chief Secretary.

Fort St. George, 2d December 1818.

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LIST of PAPERS copied to the Magistrate of Malabar.

1st Cons. 18 Nov. 1814	From the Secretary to the Government at Bombay, with one Enclosure - - - - - - - - -	29 Oct. 1814
D°. - -	To the Board of Trade - - - - - - - -	18 Nov. „
„ 21 Mar. 1815	From ditto - - - - - - - - - -	9 Feb. 1815
D° - -	N° 4.—To the Judge and Magistrate of the Zillah of South Malabar - - - - - - - - - -	21 Mar. „
D° - -	N° 5,—To G. W. Gillio, Esq. - - - - - -	D°
„ 1 July „	N° 6.—From the Magistrate of the Zillah South Malabar, with one Enclosure - - - - - - - -	15 May „
D° - -	N° 9.—To the Secretary to the Government at Bombay -	1 July „
D° - -	N° 8.—To the Judges of the Sudder Foujdarree Adawlut -	D°
„ 17 Nov. „	N° 2.—From the Deputy Register to the Court F. U., with one Enclosure - - - - - - - -	30 Oct. „
D° - -	N° 4.—To the Chief Secretary to the Government at Bombay	17 Nov. „
„ 22 Dec. „	N° 18.—From the Magistrate of the Zillah of South Malabar	1 Dec. „
D° - -	N° 22.—To the Chief Secretary to the Government at Bombay - - - - - - - - - -	22 Dec. „
„ 23 Feb. 1816	No 16.—From ditto - - - - - - - -	1 Feb. 1816
D° - -	N° 18.—To the Magistrate of the Zillah of South Malabar	23 d° „
„ 17 May „	N° 12.—From ditto - - - - - - - -	2 May „
D° - -	N° 13.—To ditto - - - - - - - - -	17 d° „
D° - -	N° 15.—To the Chief Secretary to the Government at Bombay - - - - - - - - - -	D°
„ 25 May „	M. B. N° 10.—To the Civil Auditor - - - -	D°

To the Chief Secretary to Government, Fort St. George.

Sir:—I have the honour to acknowledge the receipt of your letter, and inclosures, of the 2d instant; and in reply to state, for the information of the Right honourable the Governor in council, that I have taken depositions from two persons, to whom the disposal of the people in question was intrusted; by which it will appear, that the arrangement authorized on the 17th of May 1816, for disposing of the slaves, has been duly carried into effect.

I have, &c.

(signed) *J. Vaughan*, Collector and Magistrate.

Calicut, 31st December 1818.

MINUTES, 13th March.

Ordered, the secretary in the office of country correspondence, be instructed to draft a reply to the letter from Hussin Basha, the governor of Judda, for the governor's signature, acquainting him, that as the slaves to whom he alludes, were adverse to return to Arabia, whither it has been proposed to convey them, they have been set at liberty, and have obtained the means of livelihood in India, after having been furnished with an advance of money by the government of Madras.

Letter from Mr. Baber, Magistrate of North Malabar, to the Government of Fort St. George, dated 11th November 1814, relative to Hereditary Slavery in India, with the Proceedings thereupon.

Extract, Fort St. George Judicial Consultations, the 9th December 1814.

Read a letter from the Magistrate of North Malabar, requesting to be instructed whether the slaves of the soil in Malabar are subject to sale.

[*Vide* Proceedings of the Board of Revenue, 15th December 1814.]

Ordered, That a copy of the foregoing letter be transmitted to the Board of Revenue, for their information and report.

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Extract, Proceedings of the Board of Revenue at Fort St. George, 15th December 1814.

Read the following letters from the secretary to government in the revenue department.

To the President and Members of the Board of Revenue.

Gentlemen:—I am directed by the Right honourable the Governor in council, to transmit, for your consideration and report, the annexed copy of a letter from the magistrate in the zillah of North Malabar, requesting to be furnished with instructions in respect to the right of selling slaves and acquiring property in them. When such observations on the question as you may see fit to offer, have come before government, it is proposed, that a reference regarding the state of the law as affecting it, shall be made to the advocate general.

I have the honour to be, Gentlemen, your most obedient servant,
(signed) *D. Hill*, Secretary to Government.

Fort St. George, 9th Dec. 1814.

To the Secretary to Government.

Sir:—Entertaining doubts how far I ought to sanction with my authority the sale of men, women and children of the tribe of slaves, viz. Pollar, Cherumakul, Panian, Kanakan, Kallady, Yecallan, Nacady, and other denominations, in execution of decrees of the court, or to take cognizance of disputes between persons claiming that description of natives as their rightful property, or of complaints by such alleged owners against their slaves, for desertion and refusing to work, I am induced to solicit the orders of government upon the question of right of disposing of, and acquiring property in slaves within the provinces of Malabar; and if in the affirmative, whether Europeans are allowed to become purchasers, and whether under any circumstances whatever, it would be lawful in the collector to attach, and the judge to cause the sale of slaves by public auction, in satisfaction of revenue arrears, with or separate from the estate on which they were born.

If the general question of slavery, as recognized by the local usages of Malabar, or by the Hindoo and Mahomedan law, is not affected by the laws made to abolish the Slave Trade, adverting to the wretchedness and diminutive appearance of this description of natives, it still appears to be a subject well worthy the humane consideration of the Right honourable the Governor in council, to enact such legislative provisions as will tend to ameliorate their condition, and prevent their being sold out of the talook, or indeed off the estate, the place of their nativity, and above all, from being exposed for sale by public auction, in execution of decrees, or in satisfaction of revenue demands.

Since the discussions upon the subject of importing kidnapped free-born children, in 1812 and 1813, I am happy to say, that an entire stop has been put to this inhuman traffic in this zillah, and I should entertain hopes of equal success in improving the condition of those who are slaves by birth, if government would give their sanction to the draft of a regulation I have already had the honour of submitting upon this interesting subject.

I have the honour to be, Sir, your most obedient servant,
(signed) *T. H. Baber*, Magistrate.

Ordered to be brought forward at a future meeting.

Extract.—Minute of the Board of Revenue, dated the 5th January 1818, paragraphs 1, 5, and 16, respecting the condition of the labouring castes or slaves of the soil, in the territories subject to Fort St. George.

Extract.—Minute of the Board of Revenue, the 5th January 1818, transmitted to the Court of Directors, as an inclosure in letter from the Chief Secretary at Fort St. George, to Mr. Secretary Cobb; dated the 19th March 1818.

Par. 1.—The Board proceed to take into consideration the voluminous correspondence noted in the margin *, connected with the important orders from England, directing

* From the Chief Secretary to Government, under date the 11th September 1812; to the Government, under date the 28th January 1813; from the Chief Secretary to Government, under date the 8th

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directing the abandonment of the existing system of revenue administration, and the introduction of the ryotwar mode of settlement and collection, in all practicable cases throughout the provinces subject to the government of Fort St. George.

5.—In order to prevent any misunderstanding on the part of the subordinate local officers, in carrying the orders from England into effect, it will be necessary to illustrate the general principles of the modified Ryotwar system, as prescribed by the Honourable Court of Directors, and to explain, for the information of the several collectors, the chief points in which it differs from the settlements at present in force in their respective districts.

6. For the better understanding of this important subject, the Board find it necessary, in the first instance, to advert to the subject of private property in the land; more especially as, entering on a system of revenue administration, novel to many of the local revenue officers, it is particularly necessary to caution them against any infraction of individual rights, which the Board observe, that it is the particular desire of the Honourable Court of Directors to uphold, but which can never be efficiently protected, so long as they continue imperfectly understood.

7.—In the territories subject to this government, the persons whose rights are more or less immediately connected with the soil, and consequently with the land revenue, may be divided into three distinct classes; the actual labourer, the ryot or cultivating inhabitant, and the zemindar; but the rights of the two former of these classes, are found to vary with the different nations to which they belong.

8.—It may be useful here to explain, that most ryots employ labourers to aid them in the tillage of the land they occupy; but in some districts (districts abounding in dry grain land particularly) labourers occasionally become proprietors of a plough; in other words, there is a class of poor ryots who plough in the season of cultivation, and follow other pursuits for a livelihood when it is over. In some instances, Zemindars, renters of a talook or village, and Shatriumdars, who are permanent renters of a village, have ploughs of their own, worked by their own labourers and bullocks. This is not, however, a general practice, nor a practice in any case carried to a great extent. All intermediate agents between the ryot and the government, whether permanent or temporary, receive the public revenue demandable from the land cultivated by the ryots; but with the exceptions specified, and a few others, they seldom engage in cultivation.

9.—The provinces now subject to this government, appear originally to have constituted several distinct Hindoo states, which are still to be traced by the difference of language, manners and customs, that so strongly distinguish the inhabitants of one part of the country from the other. The five northern circars of Ganjam, Vizagapatam, Rajahmundry, Masulipatam and Guntoor, together with the districts of Bellary, Cuddaph, Paluand and Nellore, or wherever the Telinga is the language of the people, may be considered one of these; the second may be said to include the district of Chingleput, the two divisions of the Arcot Soobah Salem*, Baramahl, Coimbatore, Madura, Dindigul, Trichinopoly, Tanjore and Tinnevelly, or wherever the Tamil language is spoken; and the third comprizes the provinces of Malabar and Canara, on the other coast of the Peninsula, where the Malayalam and Toolavoo are the vernacular dialects of the country.

The Rights of the Labourer.

10.—In all of these districts, the labourer who holds the plough, and performs the inferior offices of husbandry, is of the lowest, poorest, most ignorant, yet most numerous order in society; in general an outcast, or at least, often of the degraded class of Hindoos, and therefore usually resident in the outskirts of his village, every where without any property in the land which he can transfer by gift, sale or bequest, and receiving from his employer, the ryot, little more than food, with a scanty supply of raiment.

11.—It is almost superfluous to remark, that with this description of persons, the government officers have seldom had any direct communication; yet this may possibly

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8th June 1813; to the Government, under date the 10th June and 16th August 1813; to the Chief Secretary to Government, under date the 30th August 1813; from the Secretary to Government in the Revenue Department, under date the 3d September 1813, 1st July 1814, 29th March 1815, and 20th October 1815.

* In some detached parts of Salem, Baramahl, Coimbatore and Bellary, the Canarese is spoken. This arises from these districts comprehending part of the borders of the antient kingdom of Carnatica; but the small extent of our territory, in which that language is spoken, renders it unnecessary to class it separately from the rest.

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possibly be the cause that their situation has not yet received that consideration which it appears to merit; for it is not, perhaps, sufficiently known, that throughout the Tamil country, as well as in Malabar and Canara, far the greater part * of the labouring classes of the people have, from time immemorial, been in a state of acknowledged bondage, in which they continue to the present time.

12.—In Malabar and Canara, where the land is very generally divided, and occupied as separate and distinct properties, the labourer is the personal slave of the proprietor, and is sold and mortgaged by him, independently of his lands.† In the Tamil country, where land is of less value, ‡ and belongs more frequently to a community than to an individual; the labourer is understood to be the slave rather of the soil than of its owner, and is seldom sold or mortgaged, except along with the land to which he is attached; but in Telingana, where it is difficult now to trace the remains of private property in the land, this class of people is considered free §.

13.—It is, certainly, a curious circumstance, that in those provinces where the severe and arbitrary system of the Mussulman government was established at the most early and for the longest period, where consequently the public assessment on the land is the most high, and private property in the soil the most rare and least valuable, the labourer should also be the most free; while his condition is the most abject, in those countries where the antient institutions of the Hindoos have been least disturbed, where the public demand on the soil is the most light, and private property in the land is universal, and of the highest value. It seems probable, however, that in former times slavery may have been as prevalent in the northern, as it now is in the southern and western provinces; and the same circumstances that reduced the landlord of Telingana to the situation of a landholder, may have tended gradually to weaken the power he possessed over his slaves, until they finally became altogether emancipated from his authority.

14.—There cannot, however, be a doubt, that the slavery prevalent among the lower classes of Hindoos is of a very different and opposite nature from that so strongly and justly reprobated in England, inasmuch as foreign traffic or external commerce in slaves is quite different from domestic slavery. It has been stated by very competent authority, Mr. F. W. Ellis, the collector of Madras, that in the Tamil country, the parriyars and pullers, most of whom are slaves attached to the lands of the vallaler, as well as the pulli, who are generally serfs on the lands of the Bramin meerassidars, sometimes claim meras, or hereditary private property, in the "incidents of their villainage," and that "it is generally allowed to them and their descendants, on proving their former residence in the village, however long they may have been absent from it ‖." On the other hand, the late magistrate in Malabar, in addressing government respecting the sale of men, women and children of the Pollar, Cherumakul, Panian, Kanakan, Kallady, Yocallan and Nacady tribes, submits, that "if the general question of slavery, as recognized by the local usages of Malabar, or by the Hindoo and Mahomedan law, is not affected by the laws made to abolish the slave trade, adverting to the wretchedness and diminutive appearance of this description of natives, it still appears to be a subject well worthy the humane consideration of the Right honourable the Governor in council, to enact such legislative provisions as will tend to ameliorate their condition, and prevent their being sold out of the talook, or, indeed, off the estate, the place of their nativity, and above all, from being exposed to sale by public auction, in execution of decrees, or in satisfaction of revenue ¶ demands **."

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* It is only the greater part, not the whole, of the labourers in these countries that are slaves; many of them are also free.

† As it is not the interest of the landlords in Malabar and Canara to sell the slaves who cultivate their lands, they usually dispose of the increasing stock only, for which they have no immediate use; but their power to dispose of all their slaves, independently of their lands, seems undisputed.

‡ The cause of land being of less value in the Tamil country than in Malabar and Canara, will be noticed hereafter.

§ In Telingana, a labourer cannot remove from one village to another, pending engagements which he has not fulfilled; but he is free to make his own terms, and after performing the engagements into which he voluntarily enters, becomes again the master of his own labour. It is believed, however, that the labourers in Telingana generally remain in the same village, and attached to the same family of the ryot from generation to generation.

‖ See note on paragraphs of the inclosure to Mr. Ellis's letter, under date the 30th May 1816.

¶ The Board are not aware that this is ever done in satisfaction of revenue demands, payable direct to the government; but all assignments of revenue give a right to make revenue demands, and the assignee is at liberty to follow the established practice in realizing his lawful demands, where the practice and the law are not at variance.

** See inclosure in Mr. Secretary Hill's letter, 9th December 1814.

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15.—The right which the slaves in the Tamil country possess to continue attached to the soil where they are born, which, though not universal, is pretty general among them; their dependence rather on a community than on an individual, and perhaps the vicinity of some of them to the presideney, where a general knowledge prevails, that the spirit of our government is inimical to bondage, seem all, more or less, to have contributed to render their condition in some degree at least superior to that of their brethren on the other coast. It is by no means, however, to be understood that this is universally the case. Their treatment necessarily depends principally on the individual character of their owners; and when we reflect on those evils that are inseparable from even the mildest state of slavery, and consider how large a portion of our most industrious subjects are at present totally deprived of a free market for their labour, restricted by inheritance to a mere subsistence, and sold and transferred with the land which they till, policy no less than humanity would appear to dictate the propriety of gradually relieving them from those restrictions, which have reduced them, and must otherwise continue to confine them to a condition scarcely superior to that of the cattle which they follow at the plough.

16.—While such, in the opinion of the Board, ought to be the policy to be pursued with regard to this class of people, it would be obviously unjust to interfere with the private property, which there can be no doubt that the Ryots at present possess in their slaves; and it might be dangerous too suddenly to disturb the long established relations in society subsisting between these two orders. For the present, therefore, it would seem sufficient, with the view to prevent oppression or abuse of authority, to define by legislative enactments the power which may be lawfully exercised by a Ryot over his slaves; but as the revenue records do not afford information sufficiently minute and satisfactory for this purpose, it is resolved to call the particular attention of the collectors in Canara, Malabar, and the Tamil country to this subject, and to desire that they will take an early opportunity to communicate fully their sentiments thereon, for the consideration of the Board.

Ordered, that copy of the foregoing minute be transmitted for the consideration and orders of government.

Further Proceedings relative to Hereditary Slavery, and Reports of the Collectors of Revenue on the Malabar and Coromandel Coasts, respecting the nature and extent of the Slavery, or Bond Service, which exists in their several Collectorates; 1819.

Extract of a Letter from the Governor in Council of Fort St. George, to the Court of Directors in the Judicial Department, dated 11th March 1820.

Cons. 28th April 1819. N° 7, 8, 9. Cons. 8th June 1819. N° 1 & 2.

Par. 146.—We have recorded N° 7, in our consultation of the 28th April 1819, the proceedings of the Sudder Adawlut, with regard to a letter from the 3d judge of the court of circuit and appeal, for the western division, bringing to notice acts of oppression and cruelty committed by revenue and police officers in Malabar, and particularly a practice prevailing in that district, of distraining and selling by public auction, the slaves of revenue defaulters. By Mr. Baber's precepts to the magistrate, it appears to us, that he had put a wrong construction upon section 24, Regulation IX, of 1816, inasmuch as he considered it to preclude the admismission by the magistrate, of all evidence that did not make against the prisoner, who might be brought before him, charged with any crime or misdemeanor. The Foujdarry Adawlut were of opinion, "that it was the bounden duty of the criminal judge or magistrate, as the case might be, in the investigation of the offences specified in section 7, Regulation X, of 1816, and in section 32 and 33, Regu- IX, of 1816, to take evidence on behalf of the person accused, and to afford to him every facility of defence." They at the same time stated it as their opinion, "that a strict adherence to the letter of the provisions of section 24, Regulation IX, and section 9, Regulation X, of 1816, which direct, "that those persons should be examined who were supposed to have any knowledge of the crime or misdemeanor alleged against the prisoner, should be observed by judicial officers, in the investigation of all cases not punishable by them, to the exclusion of all evidence on behalf of the person accused, the admission of which would, in the opinion of the court, be highly objectionable, as anticipating his defence before the highest tribunal." We desired the Foujdarry Adawlut to inform the third judge and the magistrates, of the construction to be put upon the regulation in question. The practice of selling slaves in the Malabar district is under consideration, in communication with the board of revenue.

Extract, Fort St. George Judicial Consultations, 28th April 1819.

Read the following letter from the deputy register to the court of Foujdarry Adawlut.

N° 3.—To the Secretary to Government, in the Judicial Department.

N° 7.

Sir:—I am directed by the Judges of the Foujdaree Udalut, to transmit to you the accompanying extract from the court's proceedings of this date, with the paper therein referred to, for the purpose of being laid before the Right honourable the Governor in council.

I have, &c.

(signed) *Robert Anderson*, Deputy Register.

Foujdaree Udalut, Register's Office, 20th Jan. 1819.

Extract from the Proceedings of the Foujdaree Udalut, under date the 20th January 1819.

Read letter, dated the 31st ultimo, from the third judge on circuit, in the western division, forwarding copy of correspondence with the magistrate of Malabar, on the subject of certain petitions presented to the court of circuit, complaining of acts done by revenue and police officers.

2.—The third judge of the court of circuit stated, that out of numerous petitions presented to the court of circuit, complaining of oppressions on the part of local servants, in their capacities as revenue and police officers, there were four which appeared to him proper to be brought to the pointed attention of the magistrate.

3.—The first of these petitions was presented by one Erambinpilly Coondy Nair, complaining of several acts of oppression and abuse of power exercised towards himself and his nephews, Condy and Chandoo, by the parbutty of Beypoor and sherishtadar of Calicut. Copy of this petition was sent by the third judge on the 13th of November, to the magistrate of Malabar, who was called upon to state what had been done in the matters referred to by the petitioner. To the precept of the third judge the magistrate made return, that the several petitions which had been presented by the persons above-mentioned to the collector and magistrate, together with the endorsements thereon, would, he was satisfied, convince the third judge, " that the subject of the petition was entirely of a revenue nature, and that none of a police nature had been presented to the magistrate."

4.—On perusing the petition presented to the judge of circuit, the court observe, that the petitioner charged the native officers with the commission of sundry acts, which, if established against them, would have rendered them liable to be punished for an arbitrary exercise of authority; and the court consider it be their duty to remark, that whatever might have been the opinion of the collector and magistrate respecting the nature of some of the petitions previously presented to him by the petitioner, the statements contained in the petition referred to him by the third judge of the court of circuit, respecting acts of his police officers, which had been formerly brought to his notice, demanded his serious attention.

5.—On the question of the sale by public auction of the last petitioner's slaves, the court of Foujdaree Udalut are not competent to decide, but they consider it to be incumbent upon them to bring to the notice of the Right honourable the Governor in council the observations submitted by the third judge, on a subject so intimately connected with the welfare of a large portion of the subjects of the state, and so nearly allied to the highest interests of humanity.

6.—The second petition was presented by one Coony Patooma, against certain of the police officers and inhabitants of Kotatoor; the third was presented by one Coonty Moideen Cootty, against the Parbutty of the Wattom Hobilly; and the fourth, by Chakky Unima, against the police officers of Polyghaut Talook. Copies of these petitions were sent on the 26th November by the third judge to the magistrate, who was desired to inquire fully into the circumstances therein set forth, and after passing such orders as might appear to him proper, to report the result for the information of the court of circuit.

7.—To the several precepts of the third judge, the magistrate made returns on the 28th November; another precept was issued by the third judge on the 5th December following, reiterating the orders contained in the former precepts, and in making return to the latter precept, the magistrate requested that the several precepts

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and returns might be submitted for the opinion and decision of the Foujdaree Udalut.

8.—It appears that the several petitions here referred to were connected with cases recorded on the calendars, which had been submitted to the court of circuit by the assistant criminal judge of South Malabar, at the second sessions of 1818; and the doubt entertained by the magistrate of Malabar, relates to the orders which he had received from the third judge, to make an investigation respecting the petitions, and to report the result thereof to him, the third judge.

9.—The only express provision contained in the code regarding the orders to be issued by a court of circuit to a magistrate, is that which is contained in clause 2d, sec. 40, Regulation IX, of 1816, for the guidance of a judge presiding at a sessions of jail delivery, with regard to the calendars submitted by a magistrate. It is declared further, in clause third of the same section, that the courts of circuit are to report to the Foujdaree Udalut, for the information and orders of government, whenever the magistrates omit or refuse to obey their orders, as also whenever it shall appear to them, that the magistrates have been guilty of neglect or misconduct in the discharge of their duty. And the regulations, it is to be observed, do not vest in the judges of a court of circuit that authority to call on magistrates for their proceedings which those judges possess collectively, with respect to the proceedings of criminal judges under section 24, Regulation X, of 1816.

10.—According to the spirit of these provisions, the court of Foujdaree Udalut do not consider a judge presiding at a sessions of jail delivery authorized to order a magistrate to institute any new proceedings, or to perform any judicial act with regard to cases recorded on the calendars submitted by a criminal judge. It is competent only to a judge of circuit to bring to the notice of a magistrate any irregularities which may have appeared on the proceedings of the magistrate in such cases, to give him such instructions as he may deem necessary for his future guidance, and to call upon him for any explanation which he may have to offer on matters about to be submitted to the court of Foujdaree Udalut.

11.—Under this view of the intent and meaning of the regulations, the court of Foujdaree Udalut are of opinion, that the third judge of the court of circuit should have directed the petitioners to appear before the magistrate of Malabar, forwarding at the same time such observations to that officer, on the subject matter of those petitions, as he might have considered to be proper.

12.—The court having recorded their sentiments on the point immediately submitted for their consideration, proceed to make some general observations on the papers now before them.

13.—The remarks of the third judge, on the provisions of clause 1st, section 24, Regulation IX, of 1816, are to be received with some limitation, inasmuch as the restriction therein imposed applies only to cases in which prisoners may be forwarded to a criminal judge, and not to those cases in which it is competent to a magistrate to pass sentence under the provisions of the regulations. In all cases of the latter description, it is the duty of a magistrate to observe the course pointed out in clause 2d, section 18, Regulation VII, of 1802.

14.—In addition to the papers forwarded at the request of the magistrate, the third judge has submitted an extract from his proceedings, dated the 22d December, containing his observations on various acts of oppression on the part of the native officers of police, which have been brought to his knowledge during the circuit, as also on certain irregularities in the proceedings of the magistrate. In the observations which the third judge has deemed it proper to make on the several points noticed in this extract, the court of Foujdaree Udalut entirely concur, and they trust, that the magistrate of Malabar will pay every attention to the excellent rules which the third judge of the court of circuit has prescribed for the guidance of the magistrate, in order that he may avoid a repetition of the irregularities which have been brought to his notice, and suppress those practices among the officers of police, which appear to have prevailed to an alarming extent in the zillah under his authority, and which, if permitted to pass unnoticed, may be attended with consequences the most injurious to the peace and happiness of the community.

15.—The greater number of cases referred by the magistrate to the officers of police, for the purpose of investigation, would seem to have been so referred in the early part of 1818, and anterior, it is to be presumed, therefore, to the receipt of the court's orders, dated 14th February 1818, in which the magistrate was strictly enjoined to discontinue a practice, which, to the extent, and according to the mode in which it has been followed by the magistrate, is wholly unauthorized by the

regulations,

regulations, and has an obvious tendency to obstruct the due administration of public justice.

16.—Ordered, That extract of these procoedings be sent to the third judge of the court of circuit, in the western division, by precept, desiring him to communicate the same to the magistrate of Malabar, for his information and guidance.

17.—The court deeming it expedient also, that the several papers should be submitted, with their proceedings, for the information of government.

18.—It is ordered, That the letter and extract from these proceedings be sent to the secretary to government in the judicial department, for the purpose of being laid before the Right honourable the Governor in council.

(A true extract.) (signed) *Robert Anderson,* Deputy Register.

Ordered, in consequence, That the following letters be dispatched to the register to the court of Foujdary Udalut, and to the board of revenue.

N° 216.—To the Register to the Foujdary Udawlut.

N° 8.

Sir:—I am directed by the Right honourable the Governor in council, to acknowledge the receipt of your letter of the 20th January last, with its several accompaniments.

Par. 2.—The Governor in council is concerned to learn from those papers, that irregularities of a serious nature have taken place in the administration of the police in Malabar, and observes, with particular regret, the ground which there is for believing, that acts of oppression, implying an abusive exercise of powers in themselves not warranted by the regulations, have been committed by native agents in that department, to whom the magistrate had improperly delegated duties, which ought to have been performed either by himself, or by one of his assistants. It is trusted, however, that the orders which have been issued on the occasion by the judge on circuit, and by the Foujdary Udalut, will have the effect of preventing the recurrence of such irregularities or abuses.

Par. 3.—The only point in respect of which those orders appear to the Governor in council to call for any particular remark, is the opinion expressed by the judge on circuit, in his instructions to the magistrate, that exculpatory evidence taken before a magistrate is of no validity, because, contrary (as he thinks) to the provisions of clause first, section 24, Regulation IX, of 1816, which prescribe, as the course to be pursued by the magistrate, when a prisoner is brought before him, charged with any crime or misdemeanor, that "he shall inquire into the circumstances of the charge, and examine the prisoner, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner." Mr. Baber evidently construes these words, as precluding the admission of all evidence that does not make against the prisoner. Whatever opinion may be entertained concerning the propriety of such a rule, if confined to cases of inquiry with a view to future trial before a different tribunal, it is obvious that it could not be applied, without the most glaring injustice, where an ultimate judgment is to be passed on the guilt or innocence of the accused. The same words, however, are used in section 9, Regulation X, of 1816, in prescribing the course of procedure to be observed by the criminal judge, as well in those cases where he is himself to pass a final judgment, as in those where his province is merely to determine, whether the accused shall be discharged, or shall be reserved for trial before the court of circuit; and it does not appear how they can be construed to lay down any rule of evidence for the one description of cases, which will not of necessity extend to the other. The Governor in council, therefore desires, that the Foujdary Adawlut will state distinctly their opinion concerning the right construction of these provisions of the regulations, and in particular on the question, whether, in any case whatever, they have the effect ascribed to them by the construction of Mr. Baber, to render exculpatory evidence of no validity.

4.—A reference will be made to the Board of Revenue, in consequence of the observations submitted by Mr. Baber, concerning the practice which appears to prevail in Malabar, of distraining and selling by public auction the slaves of revenue defaulters.

I have, &c.

(signed) *D. Hill,* Sec^{y} to Government.

Fort St. George, 28th April 1819.

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N° 9.

(N° 217.)—To the President and Members of the Board of Revenue.

Gentlemen:—I am directed to transmit to you the accompanying extract of a communication from the Foujdarry Adawlut, with the copy of a letter from the judge lately on circuit on the western division, containing the observations to which the court refer, relative to a practice which appears to prevail in Malabar, of distraining and selling by public auction the slaves of revenue defaulters.

2.—The Right honourable the Governor in council desires, that having made without delay such inquiry as you may judge requisite for the purpose, you will submit a full report respecting the facts and circumstances connected with the subject, and at the same time state your opinion, whether the practice which actually prevails in this respect should be permitted to continue as at present, or whether it ought either to be laid under such restrictions as in your judgment would render it unobjectionable, or to be altogether abolished, as productive of evils for which no adequate remedy can be devised.

I have, &c.

(signed) *D. Hill*, Sec. to Government.

Fort St. George, 28th April 1819.

Extract, Fort St. George Judicial Consultations, 8th June 1819.

Read the following letter from the Register to the court of Foujdarry Adawlut.

To the Secretary to the Government in the Judicial Department.

Sir:—I am directed by the judges of the court of Foujdarry Adawlut, to transmit to you the accompanying extract from the court's proceedings of this date, for the purpose of being laid before the Right honourable the Governor in council.

I have, &c.

Foujdarry Adawlut, Register's Office, 19th May 1819.

(signed) *W. Oliver*, Register.

Extract from the Proceedings of the Foujdarry Adawlut, under date the 19th May 1819.

Read letter dated 28th ultimo, and received on the 12th instant, from the secretary to government in the judicial department, remarking upon the construction given by the third judge of the court of circuit in the western division, to the provisions of clause 1, section 24, Regulation IX, of 1816, and desiring, that the Foujdarry Adawlut will state distinctly their opinion concerning the right construction of the provisions of the above clause, and of section 9, Regulation X, of 1816.

2.—The passage in the precept of the third judge of the court of circuit in the western division, referred in the above letter, runs as follows:—"As to the exculpatory evidence taken before the assistant magistrate, it is exceedingly questionable, and at all events of no validity, because, contrary to the provisions of clause 1, sect. 24, Regulation IX, of 1816, which restricts the magistrate to the examination of witnesses in behalf of the prosecutor, or, in the words of the regulation, to examine the prisoner, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner.

3.—The court of Foujdarry Adawlut, in their proceedings under date the 20th January last, which were submitted to government with the letter of the third judge, observed, that "the remarks of the third judge on the provisions of clause 1, sect. 24, Regulation IX, of 1816, are to be received with some limitation, inasmuch as the restriction therein imposed applies only to cases in which prisoners may be forwarded to a criminal judge, and not to those cases in which it is competent to a magistrate to pass sentence under the provisions of the regulations." In all cases of the latter description, it is the duty of a magistrate to observe the course pointed out in clause 2, section 18, Regulation VII, of 1802.

4.—The court of Foujdarry Adawlut are of opinion, that the spirit of the foregoing remark is to be maintained in the construction of section 9, Regulation X, of 1816, it being contrary to the fundamental principles of law, which has in view the protection of persons, that any man should be condemned unheard.

5.—That it is the bounden duty of the criminal judge or magistrate, as the case may be, in the investigation of the offences specified in section 7, Regulation X, of 1816, and in sections 32 and 33, Regulation IX, of 1816, to take evidence

on

on behalf of the person accused, and to afford to him every facility of defence, could never admit of a doubt, and although no express provision to that effect is contained in the subsisting Regulations, the omission may have arisen from the supposition, that it could not be necessary to provide against so manifest a violation of the first principles of justice, as would attend a different mode of proceeding.

6.—The court of Foujdarry Adawlut are at the same time of opinion, that a strict adherence to the letter of the provisions of section 24, Regulation IX, and of section 9, Regulation X, of 1816, is to be observed by judicial officers, in the investigation of all cases not punishable by them, to the exclusion of all evidence on behalf of the person accused, the admission of which, would in the opinion of the court, be highly objectionable, as anticipating his defence before the higher tribunal.

7.—Ordered, that extract of these proceedings be sent to the secretary to government in the judical department, for the purpose of being laid before the Right honourable the Governor in council.

(A true extract.) (signed) *W. Oliver*, Register.

Ordered, that the following reply be dispatched to the Register to the Court of Foujdarry Adawlut:—

Sir:—I am directed to acknowledge the receipt of your letter of the 19th ult. (N° 19.) relative to the interpretation of clause 1st, section 24, of Regulation IX, A. D. 1816. From the language used by the third judge on circuit in the western division, it seemed that he was of opinion, that exculpatory evidence in the case of a prisoner examined before a magistrate, is of no validity, as being contrary to the provisions of the clause in question. The Foujdarry Adawlut, however, are understood, in the proceedings which accompanied your letter, to state only, that a prisoner is not to be put upon his defence till brought to trial. The opinion which the judge on circuit seemed to entertain, is in express contradiction to the very letter of the clause on which apparently it is founded, and which requires the magistrate to "inquire into the circumstances of the charge," and to examine "such persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner." The expression, that exculpatory evidence is of no avail, would imply that only the criminatory part of the testimony of any witnesses examined by the magistrate, should be received. The Governor in council therefore deems it necessary, that the Foujdarry Adawlut should set right the circuit judge, and the magistrate to whom his precept was addressed on this point. N° 2.

I have, &c.

Fort St. George, 8th June 1819. (signed) *D. Hill*, Sec^{y} to Gov^{t}.

Extract, Proceedings of the Board of Revenue, at Fort St. George, 13th May 1819.

Read the following letter:

To the President and Members of the Board of Revenue.

Gentlemen:—I am directed to transmit to you the accompanying extract of a communication from the Foujdarry Adawlut, with the copy of a letter from the judge lately on circuit in the Western Division, containing the observations to which the court refer, relative to a practice which appears to prevail in Malabar, of distraining and selling by public auction, the slaves of revenue defaulters.

2.—The Right honourable the Governor in council desires, that having made without delay, such inquiry as you may judge requisite for the purpose, you will submit a full report respecting the facts and circumstances connected with the subject; and at the same time state your opinion, whether the practice which actually prevails in this respect, should be permitted to continue as at present, or whether it ought either to be laid under such restrictions as in your judgment, would render it unobjectionable, or to be altogether abolished, as productive of evils for which no adequate remedy can be devised.

(signed) *D. Hill*, Sec. to Government.

Fort St. George, 28th April 1819.

(N° 1.)—Extract of a Communication from the Foujdary Adawlut, dated 20th January 1819.

5.—"On the question of the sale by public auction of the petitioner's slaves, the court of Foujdary Adawlut are not competent to decide; but they consider it to be incumbent upon them to bring to the notice of the Right honourable the Governor

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in council, the observations made by the third judge, on a subject so intimately connected with the welfare of a large portion of the subjects of the state, and so nearly allied to the highest interests of humanity."

(A true extract.) (signed) *D. Hill*, Sec^{y} to Gov^{t}.

(N° 2.)—To the Register to the Foujdaree Udalut.

Sir:—In compliance with the request of the magistrate of Malabar, as contained in his returns, under date 7th, 14th and 21st instant, to several precepts I had occation to issue to him, I have the honour to transmit, to be laid before the court of Foujdaree Udalut, copy of the whole of the papers connected therewith, and to submit the following recapitulation in elucidation of the circumstances which have called for the exercise of the authority of the court of circuit, over that officer's proceedings.

Out of numerous petitions presented to the court of circuit, complaining of various oppressions on the part of the local servants, in their capacities as revenue and police officers, and a want of justice on the part of the collector and magistrate, there were four which appeared to me should be brought to the magistrate's pointed attention.

A.

The first of these was from Eroom Campally Kondy Nair, the mookestan and head of one of the most respectable families in the Beypoor hobily, and his two nephews, accusing the parbatty of Beypoor, and sheristadar of Calicut, of conspiracy in having fabricated two false police complaints against them, in revenge for their complaining to the collector against them, and in having subjected them to an ignominious confinement in their own cutcheries, and afterwards in the zillah jail; and amongst other acts of oppression in their revenue capacities, forcibly carrying off and selling four of their chermars by public auction, to a Mr. Sheppard, an European, who succeded to the hemp manufactory at Beypoor. They stated, that they had been acquitted without any trial on the first of these false complaints; and on the second, which was at the prosecution of the collector himself, they had been brought before the criminal court, and fully acquitted; and that although they had presented ten petitions to the collector and magistrate, during eight months, they could get no redress, but an order from the collector to these officers to restore his paddy seed and chermars, but which had not been obeyed.

A.

With this petition, they delivered the petitions presented to the collector and magistrate, five of which only were endorsed, at one time to the purport, that the complaints were not cognizable by him, as magistrate, and to bring a petition to him as collector, (although the petition was addressed to him in both these capacities), at another; and that he, the collector and magistrate, had ordered a prosecution to be instituted against the petitioners, when the truth of the circumstances they complained of would be known; at another, that they had been committed to jail, for having forcibly carried off the nelly seed attached for arrears of revenue; at another, that the karanamen himself (head of the family) should attend, when his grievances would be inquired into; and, lastly, when the karanamen did attend, that the case could not be settled by him, in consequence of the petitioner's unwillingness to submit it to arbitration.

Previous to calling upon the magistrate for explanations, I referred to the calendars submitted to the court of circuit by himself and the assistant criminal judge, but only found one of the cases in those of the latter officer; and having referred to the proceedings, it appeared that this prosecution, which ought to have been rejected in the first instance by the assistant criminal judge, under the provisions of section 17, Regulation XXVIII, A. D. 1802, was instituted by the magistrate upon no other grounds than the examinations taken by the Calicut sheristadar (who, it must be recollected, was one of the persons whom the petitioners had accused of oppression, and of being the chief instigator of this false complaint against him); that on the 20th July, the petitioners (one, an old man of 82) were committed to jail, and remained there until the 18th August, when they were released, on the ground that the charge had not been proved; and it was clear, from the improbable and contradictory purport of the evidence, that the whole was a fabrication. The account given by the parbutty himself, before the assistant criminal judge, was alone sufficient to shew this, and that the petitioners had not complained without ample cause. In his examination, he admitted that he had distrained 211 paras of nelly seed, and seven of the petitioner's chermars, and sold 90 paras of the seed on the

Vide Extract in Letter A.

Vide magistrates Vakulutuamah to Sircur Vakul, Zilla Court, in A.

Vide his examination in A.

3d Meenon;

3d Meenon; that the day following, the petitioner gave security for the amount due, and in consequence he sent an order to restore the seed that had been sold, but which had not been done, because of the purchaser having carried it away; that the rest of the seed had not been sold in consequence of the chermars having been disposed of, but remained under attachment, because of the 99 paras not having been restored, according to promise. The parbutty further admitted, that the 99 paras had been sold without any advertisement, and that it was not usual to issue one for the sale of any other description of property than lands; that the nelly seed was left in the petitioner's house, and given over to the charge of the mookestans; that the house had been deserted, and the mookestans had only once gone to the house after the nelly had been distrained, when it was not there.

In consequence of the above, on the 18th November, I forwarded copy of the petition to the magistrate, and called upon him to furnish the fullest information with respect to that part which related to the confinement of the petitioners at one time by his officers, and another in the gaol on a charge, which, under the Regulations, was not of criminal cognizance, and what proceedings he had instituted against the two officers complained against since the acquittal of the petitioners; and the orders he had passed upon the petitions they had presented to him. I also requested to be informed, whether there was any foundation for the assertion, that four cherimars had been seized and sold by public auction, for the sum of rupees 32.3, and whether, in any case, chermars were liable to attachment and sale in satisfaction of revenue arrears. A.

Instead, however, of furnishing the information called for, the magistrate evaded the order, by referring me to his orders as collector, upon the petitions presented to him, and declaring that none of a police nature had been presented to him as magistrate.

The court of Foujdary Udalut will judge how far this order of mine was not perfectly legal, and fully warranted by the circumstances of the case; and with respect to the concluding declaration, that no complaint of a police nature had been presented to him as magistrate, it is only necessary to remark, that it is obviously at variance with the provisions of section xliv. Regulation XI. A. D. 1816; and how far it was within my province to call for information on the subject of the sale by public auction of the petitioner's slaves, I submit with the fullest confidence to the court of Foujdarree Udalut, that whatever may be the acknowledged rights of the people to the labour of this wretched race of people, they are equally entitled to the same protection from us as those of the natives who are born under happier circumstances; and that all personal injuries (in which the forcible abduction, and sale by public auction, like so many cattle, without their own or even master's consent, ought to be comprehended) should be estimated by the courts like personal wrongs done in other cases; and, above all, I submit, whether such a mode of realizing the public revenues is not at variance with the spirit of our laws, as administered in this country, Ceylon, Java, and wherever else the influence of British law is felt, where local slavery is tolerated.

Upon the rest of my precepts to the magistrates, I shall not have to trouble the court with any explanations, as they so clearly explain the grounds upon which they have been issued; and when they advert to the nature and extent of the cruelties practising by the public servants, as complained of in the petitions I forwarded to the magistrate, and developed, in the numerous cases of the same tried on his calendars also, to the frequent instances that have occurred of robbery, cattle stealing, and other heinous offences, which it was that officer's duty, under the Regulations, to have forwarded to the criminal judge, either compounded between the parties, or sentenced to very inadequate punishments, or discharged upon very insufficient grounds; and to that officer's irregular mode of proceeding in his magisterial capacity, as I have pointedly brought to his notice in my precept of the 22d instant, I feel satisfied they will concur with me in the necessity for the exercise of the utmost controlling authority vested in the courts of circuit over the magistrate's proceedings, and that the measures I have suggested for his guidance are the only effectual ones by which the laws can be carried strictly and regularly into execution.

I have the honour to be, &c.

(signed) *T. H. Baber*, Judge on Circuit.

Tellicherry, 31st Dec. 1818.

Fort St. George Papers: State of Slavery in Company's Territories.

To the Magistrate in the Zillah of Malabar.

You are herewith furnished with copy of a petition to the court of circuit, presented by Erumbunpally Condy Nair, in his own and in behalf of his Karoonawens Condy and Chandoo; the former an old man, aged 82, complaining of several acts of oppression and abuse of power on the part of the parbutty of Beypoor and sheristadar of Calicut, and are requested to furnish the fullest information with respect to that part which relates to the confinement of the petitioners by those officers in their capacity of police officers, and their commitment to the common gaol upon a charge which, under the Regulations, is not of criminal cognizance. You are further required to report, whether you have instituted any proceedings against those two officers since the acquittal of the prisoners, and what orders you have passed upon the numerous petitions they state having presented to you.

The petitioners having complained, amongst other grievances, against the parbutty and sheristadar, in their capacity of revenue officers, that four of their chermars had been seized and sold by public auction, by the parbutty, for the sum of rupees 32.3, you are further requested to report, whether there is any foundation for this part of the petition, and whether, in any case, chermars are liable to attachment and sale in satisfaction of revenue arrears.

Given under my hand and seal, this 18th day of November 1818.

(L.S.) (signed) *T. H. Baber*, Judge on Circuit.

In reply to this precept, received at 10 minutes past 10 p. m. the magistrate has merely to request the third judge will call upon the petitioners for their several petitions presented to the collector, and returned endorsed by him, which the collector and magistrate is convinced will satisfy the third judge, that the subject of the petition is entirely of a revenue nature, and none of a police nature have been presented to the magistrate.

(signed) *J. Vaughan*, Collector and Magistrate.

Quilandy, Nov. 19th, 1818.

Vakalatnamah from Mr. James Vaughan to Kallatil Atchen Vakeel, of the Zillah, South Malabar.

Whereas Erambampally Kondy Nair, and his nephew Cherria Kondy, inhabitants of Cherrowanoor Jarrah, Beypoor Hobilly in the Talook of Calicut, being indebted on account of arrears of Sirkar revenue for the year 993 M. S. the sum of fanams 207, and vishums 7, on the 3d of Menom 993, some nelly seed and other property belonging to the aforesaid Kondy Nair, were, by the Boypoor Hobbilly Parbutty and Mookiastons, distrained and deposited in the Paytayum, in the house named Tekedata, the door of which was locked up and sealed; but the aforesaid Kondy Nair and Cherria Kondy, having at different periods opened the lock by a false key, and stolen the property, the Calicut Talook Sheristadar seized and examined the aforesaid two prisoners, who denied the charge; but it has been proved by the statements of the witnesses Nellsly Oonee Koya, Peechanary Kanda Kootty, Pootellen Chaichen, and the Mookiastans, that the aforesaid two prisoners did steal the aforesaid distrained articles. The aforesaid prisoners having thus in defiance of orders committed this theft, you are hereby furnished with a vakalutnamah from me, to prosecute and bring the aforesaid prisoners to condign punishment. After therefore perusing the proceedings, you must institute a prosecution against them accordingly.

(signed) *J. Vaughan*, Collector and Magistrate.

6th of Karkadom 993, 20th July 1818.

To Mr. Whish, Assistant Criminal Judge in the Zillah of South Malabar.

Petition of Vakeel Kallatil Atcheen Eroombampally Uealia Kondy Nair, and his nephew Cherria Kondy, inhabitants of Cheerowanoor Deshun, Beypoor Hobilly, in the Talook of Calicut, were indebted on account of Sirkar revenue arrears of 993, new fanams 207, and vishums 7, in consequence of which, on the 3d of Menom 993, the Beypoor Hobily Parbutty and Mookiastans, distrained the nelly seed, and the other property belonging to the aforesaid Kondy Nair, and put the same in his patayum (kind of cupboard for depositing paddy in), in the house named

named Takkedala, locked up the door thereof and sealed it; but the aforesaid Kondy Nair and Cherria Kondy having several times opened the lock by a false key and stole the aforesaid property, the Calicut Taloog Sheristadar seized and examined them, when, by the statements of the witnesses Nellony Oonee Kona Peechanary Kunda Kooty Pootellen Chairchen, and the Mookiastans, it was proved, that the said two prisoners, with some others, stole the said property. The aforesaid two prisoners having thus, in defiance of the orders of the sirkar, committed this theft, Mr. Vaughan the collector and magistrate of Malabar, has furnished me with a vakalatnamah, for the purpose of prosecuting the aforesaid two prisoners, in order that they may be brought to condign punishment, I therefore prefer a complaint against them accordingly.

7th of Karkadagom, 993 M. S. (signed)

Examination of Kerake Paat Chandoo Nair, taken on oath before the Assistant Criminal Judge, on the 7th August 1818.

Question.—Do you know the prisoners?

Answer.—I do.

In which of these prisoner's names is the Jumma revenue registry?

In the name of Walya Kondy Nair.

In what month and day was nelly seed distrained, on account of revenue in the prisoner's house?

It was in the beginning of Magarom; I am not certain of the date; it was but once distrained.

Was any of the distrained property ever sold; if so, did any part remain unsold; if so, how much, and why was it not sold?

There were distrained 211 parras of seed, and 6 or 7 cheeroomars; of these 99 parras of seed were sold on the 3d Menom, and four of the cheeroomars on the 16th Meddom; the rest of the chermars, now remaining, 111 parras seed were not sold; on the day following, that on which the Mookistanmars and prisoners had made the sale, they said, that if the seed was returned to them, they would discharge the amount due; but by this time the seed had been carried away by the purchaser; I had sent a note by Kolkars to the Mookastans to deliver the seed to these prisoners, if the purchaser had not carried it away, but as the seed had been already taken away by the purchaser before the note reached them, a dispute ensued between the Mookiastans and the prisoners, whereupon the remaining property was distrained, but which was not sold in consequence of the Chermars having been disposed of.

It is usual to make a proclamation for the sale of any distrained property on account of revenue arrears; was any such proclamation made in this case?

A proclamation will be made for the sale of paddyfields and parrambas, but I never saw a proclamation for the sale of any other description of property; none was made in this case.

Who brought the distrained property outside of the house; were they Nairs, or people from whom pollution is incurred?

They were Nairs, and people from whom pollution is incurred.

What was the amount balance due by the prisoners at the time the property was distrained, and what month's balance was it?

It was about 50 rupees, for the month of Markaram Koombhom.

8.—Was there any order for you (the parbutty) to go to the place of sale, and did you go there?

There was an order, and I went to the place of sale.

9.—What is the distrained property you say has been missing?

It is the afore-mentioned seed; it was missing in the month of Meddom, but I do not know the date.

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10.—Was any suspicion entertained against the prisoners, at the period this property was missing, in the month of Meddom?

When the property was missing in the month of Meddom, a search was made, when two nairs of seed were found upon the prisoners; the latter end of Meddom, the prisoners were forwarded to the talook, in the month of Eddowam.

11.—In whose hands is distrained property delivered over, and to whose charge was the property in the present instance made over?

The Mokiastans are the persons who take charge of distrained property. This property was in like manner under charge of the Mookiastans.

12.—After the dispute between the Mookiastans and the prisoners, in consequence of the sale of the seed, did the prisoners quit that house; if they did, who occupied it afterwards?

I do not know that they quitted the house after the property was distrained; when the seed was missing, I went to the said house, at which time nobody inhabited it. They (the owners supposed) lived in a house to the north side. Formerly, Koondy Nair alone resided in the said house.

13.—Was any zameen taken from the prisoners for the revenue; if so, when was it, and under what terms?

After the seed had been sold, Walia Kondy Nair brought his nephew Chandoo, who promised to pay the amount, and passed a chit to that effect accordingly; but after the quarrel between them and the Mookiastans, the amount was not paid.

14.—What is the amount, on account of 993 revenue, what is the amount received, and what is still due?

The total amount is 1,000 and odd fanams, on account of which about 20 rupees are still due, the remaining has been paid.

15.—Did you grant receipts for the amount received?

I did.

16.—Four chermars out of six or seven have been sold; where are the remaining ones?

In their chala (huts.)

17.—When a search was made for the distrained property, besides the two nairs of seed, was no other information obtained regarding it?

It was ascertained that their people had carried the seed to the northern house; they were therefore sent to the taloog.

18.—Was the seed missing when you went to sell it; or was it at any other time, and all missing at once?

A Kolkar said, that when he went one day to look, he did not see it; and the Mookiastans said, that as it was deposited in the house of the prisoners; they were not in the habit of going to look at it; but that they did not see it one day when they did go to see it; it was not known whether it was taken at once, or at different times.

(signed) *C. M. Whish*, Assistant Criminal Judge.

EXTRACT of the 3d Calendar, Second Sessions, 1818, Zillah, South Malabar.

N°	Names of the Parties.	Charge.	Abstract of Examination and Sentence.	Date of Release.
163	The Acting Government, Vakeel Kallatil Atchen, *versus*, 1. Erroombumpally Walia Kondy Nair. 2. Ditto Cherria Kondy Nair.	For stealing distrained property which the Parbutty had sealed for Sirkar Revenue arrears.	Charge not proved, the Prisoners released.	1818: 18th August.

(True extract and translation.) (signed) *T. H. Baber.*

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To Mr. Baber, Judge of the Provincial Court of Appeal and Circuit, for the Division of Malabar, Canara, and Soonda.

The Petition of the Mookiastan Eroombampally Kondy Nair, and his nephew Chandoo, and Kondy, inhabitants of Cheroomanor Deshum, Beypoor, Calicut Talook, in the Zillah of South Malabar.

For the want of money to pay revenue, in consequence of the loss of the crop of 993. M. S. and to prevent our ruin by the sale by public auction, of the seed, slaves and cattle (on our estates), we, in the month of Verischigom last, presented a petition to the collector, who passed an order accordingly by endorsement on the petition, which being delivered to the parbutty of the aforementioned hobily, we commenced collecting the amount, when on the 3d of Meenom last, the Beypoor Hobily Parbutty, named Chandoo Nair, the Hobily Menon, and the Talook and Hobilly Kolkars, to the number of eight or ten persons, came to my house called Jekadata, and saying that they had received orders from the Calicut Talook Sheristadar, caused a blacksmith to break open the lock of the door of the centre room, and having mixed together the different kind of seed, Nelly of Magarom brought the Nelly out into the compound, and the day being advanced and too late to sell, left Cherikanden and Keloo Kooroop, the persons who acted for the Mookiastans, and the Kolkar Cheroonee to guard it, when the Parbutty and the Menon went away. On the morning of the 4th I went to the Hobilly Cutcherry, and told the Parbutty that it was a grievance to sell the seeds, and that I would procure and pay the amount in cash. The Parbutty Chandoo Nair then said, that if I would give my aforesaid relation Chando as Koka security for the balance of 993 M. S. he would consent, whereupon the amount which Chandoo had by him at the time having been paid, he (the Parbutty) caused Chandoo to execute a koka zameenee chid for the balance; which being delivered to the Parbutty before the witnesses, it was agreed to deliver the aforesaid seeds to Chandoo, but on our returning home, the aforesaid seeds were notwithstanding sold by public auction through spite, and part of the seeds that remained in the compound unsold was offered to Chandoo, who said that he would only receive the whole quantity, and he then came away, when a tiety was called, and the remaining seed carried and placed by her within the house, thereby polluting my house. By that time I went there, and told the Parbutty that I would prefer a complaint for polluting my house and selling my seeds; whereupon the Parbutty, with a view to screen himself from blame, assisted by the persons who acted for the Mookiastans (as before mentioned,) caused a complaint to be preferred in the talook against my nephews, the aforesaid Chandoo and Kondy, who were in consequence on the 5th of Menom confined in the Talook Cutcherry. Whereupon, on the same day (the 5th,) a petition was presented to the Talook (Sheristadar); but no order being passed thereon, the aforesaid persons wrote an arzee from confinement to the huzzoor, but the collector being that day absent at Tellicherry, the gentleman who was then in the huzzoor, returned the petition with an endorsement, when the witnesses to complaint (against Chandoo and Kondy) were sent for and examined in the talook; but nothing been proved against them (Chandoo and Kondy,) they were about to be released, when the sheristadar told them, that they must go and bring the revenue amount, and that the examination was not finished. They were notwithstanding discharged without security. Afterwards we paid the revenue and received chits, but without getting the receipt for the proceeds of the seeds, when a kolkar came again from the talook, and together with the parbutty Chandoo Nair, seized and carried away ten of my chermars; four of them were sold by public auction, and purchased by Areealoor Koroo for the Sahib who carries on a hemp manufacture at Beypoor (Mr. Shepperd.) In consequence of which I presented a second petition to the collector, under date the 26th Eddawom, who sent an order to the talook to restore the aforementioned seeds and the chermars; and when I repaired to the talook, the sheristadar told me he would restore the chermars, but not the seeds. I then told him, that if he did not give the seeds back, it would not be possible to carry on the cultivation and pay the revenue for the year 994 M. S.; upon which the sheristadar told Kondy, that since he had presented petitions to the gentlemen, he would devise some other means to bring a police complaint against him, and get him punished. According, on the 19th of Mithoonam last, Kondy was confined in the room of the revenue defaulters in the talook; and on the 20th, I, aged 82 years, was also put in confinement; and afterwards, on the 24th, a false complaint having been lodged in the talook, it was investigated into, and reported to the huzzoor; from whence we

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were sent to the court, where until the inquiry was completed, we were sent to jail; but when the matter was inquired into in court, the charge not being proved against us, we were on the 6th of Chingom set at liberty. On the 7th we presented another petition to the collector, who sent for the talook sheristadar in the huzzoor, and again ordered the seeds and chermars to be restored, but he did not comply with the order. We therefore, on the 20th Toolam, presented another petition to the collector, stating that the time for sowing being over, and not being able to borrow seed for sowing, he would be pleased to send for the talook sheristadar and the parbutty Chandoo Nair, and cause them to make restitution of 251¼ parras of seeds carried from my house, together with 70 parras which I annually borrow for sowing, total 321¼ parras of seed (which when sown will produce 1,608¼ parras of paddy,) as also various other property, and thus enable me to pay the revenue and defray our family expenses. The sheristadar was consequently sent for, and ordered to cause restitution of my property; but the parbutty was neither sent for, nor the property caused to be restored; wherefore on the 27th of Toolam another petition was presented to the collector, who returned it with an endorsement, that the matter would be investigated into, if I (the karnawen) myself appeared. Accordingly, on the 30th of Toolam, I myself went, and presented a petition; when I was asked, if I was willing to adjust the business by razeenamah, or by arbitration, I answered, I would agree to the award, if it was without prejudice to me; but that I preferred that the affair be settled before the gentlemen, when the petition was returned with an endorsement, that the matter could not be settled there (in the huzzoor.)

I am accordingly grieved in consequence of the sheristadar and the parbutty, through malice, having caused my house to be polluted, and thereby my own and family's removal therefrom, and the loss of various property; also in having caused the sale of my chermars and seed, and thereby prevented the cultivation, as also in having caused twice false police complaints to be preferred against us, and witnesses to be suborned, and ourselves kept in confinement from the 19th of Meethoonam to the 5th of Chingom last, to the injury of my character, and the cultivation of paddy fields of 320 and odd parras of Magaram seed. Our confinement was attended with further losses from cattle and hogs getting into my field of 200 parras of kany paddy, and from the water from the river getting into my field of my watta paddy cultivation, which was to be reaped in Karkadagom, to the extent of about 100 parra, and from the wall, of the value of rupees 100; of the house falling down in consequence of its not being covered in, and also of 180 cocoa-nut plants, about 400 bundles of wykel straw, the wooden work of a house, and several other articles.

In the petition I presented to the collector I only stated, that I suffered a loss of 1,608¼ parras of paddy, in consequence of not being able to carry on the cultivation, and of various other property, but did not specify the same. This I have now done to the court.

The petitions I presented to the collector, viz. from 5th to 8th of Meenom; 26th of Eddawom, 25th of Meethoonom, 6th of Karkadagom, 7th of Chingom; 20th, 27th, and 30th of Toolam, 994, M. S. ten in number, including copies taken on ollas, of certain petitions delivered into the talook, some of them bearing endorsements; I herewith submit to the court, and pray the gentlemen to send for the aforesaid sheristadar and the parbutty Chandoo Nair; as also the petitions I presented to the collector, the proceedings of the two police cases against us, the petition endorsed by the collector in the month of Wreschegom, which was delivered to the parbutty; the Roka Zameenee Chit, taken in the Hobilly cutcherry, and the witnesses who are acquainted with the circumstances of the case, and having examined them, cause the restitution of my four chermars, of 1,908¼ parras of paddy, and of 100 rupees, and enable us to pay the revenue, to defray our expenses, and to live in our house, and also to pass such orders as will prevent similar oppressions in future, and thereby afford us redress.

Wrischigom, 994 M. S. (signed.)

Questions to the Petitioner.

Question.—State the number of days you were in confinement, owing to the police complaints, and who the complainants were?

Answer.—We were put in confinement from the 19th of Muthoonam, for a period of 22 days, in the Talook cutcherry, held in the French factory. Nothing was given us for our subsistence while in the talook; we were afterwards sent to the zillah

zillah court, when we were put in jail for a period of 26 days, during which time we were paid for our subsistence, and on the 6th of Chingom we were discharged; no complaint was preferred against us in the talook, but after we came to the zillah court, the government vakeel became our prosecutor. Previous to this, the Mookiastans had preferred a charge of assault against me in the talook, when I and my karanawen Chandoo Nair, were confined for four days, during which we were neither paid our subsistence money, nor allowed to go and take our victuals.

Question.—You say four chermars were put to sale by public auction; how came you by this information?

Answer.—The parbutty and people came to my house, seized and carried away the chermars, and I have since learned, that four of them were sold by public auction, for 32 ¼ rupees. None of us were present during the sale; this amount has not been credited to me in the chet receipt.

Question.—Where are these chermars now?

Answer.—They are at Beypoor, in the possession of Koroo, the person who became their purchaser.

Question.—After you were discharged from the zillah court, in consequence of the charge not having been proved against you, did you prefer your complaint to the magistrate against the public servants, and was any investigation held into the matter?

Answer.—We did prefer our complaint after our release, to the collector and magistrate, but no inquiry was held.

(signed)

To Mr. James Vaughan, Collector and Magistrate of Malabar.

The Petition of Eroombampillay Condy Nair, Imbeechoony, Chandoo, Cherria Candy Imbery Kootty, and the remainder of the family, inhabitants of Cherooma-noor Tarrah, Beypoor Habilly, in the talook of Calicut.

"We have delivered to Habilly Parbutty, the petition we had before presented to you, setting forth the loss of the crop of 993, and also (in order to prevent the ruin of our tarward) to allow us to pay into the habilly whatever sum we might realize on account of the 50 per cent of our revenue, due from Toolam to Dhanoo of the Mayoram Wella, and to receive from us the balance at the last kist, and if not then paid, to collect it from us with interest, by the sale of our property, with your endorsement, agreeable to the request in the petition, and paid half of the jumma amount in Dhanoo, and received a chit for it, but there being a balance against us of sixteen rupees of the Magarom Kist, the Purbutty and the Hobilly Menon, through malice, wrote an arzee to the talook, when he immediately offered to discharge the magarom kist by the mortgage of a paramba; we accordingly sold a paramba, and caused Malayil Koonjee Nair to pay 20 rupees to the parbutty, and thereby settled the magaram kist; on the 4th of Meenom we paid 20 rupees on account of Koombhom Kist, and passed a chit to Hobilly Cutcherry, that we would pay the balance on the 15th of this month; but on the 4th instant, some of the Mookiastans, Nambulla Kristna (the brother in law of the Hobilly Menon), Irvowan Cherookooty Chanyeran and some other persons came to my tehsildary house, mixed all the magaram seeds together, caused Teities to enter my house, and pollute it; we asked the Mookiastans and the Purbutty, why they had acted in that manner, and complained that it was a grievance, but they took no notice thereof; we then said, we would represent the matter to the gentleman, and then left the place; when they caused the Tieties to put part of the seed back into the house, and the rest they carried away; and then anticipating our complaint to the gentleman, Keloo Koorup and Cherikanden, among the Mookiastans, lodged a complaint, and had Koondy and Chandoo confined in the talook. The Parbutty, the Menon, and some of the Mookiastans have, through malice acted towards us in this manner, with a view to prevent us from carrying on our cultivation in future, and to induce us who pay a great sum of revenue, to quit our abodes, and thus to bring a great loss and disgrace upon us; we pray, therefore, the gentleman, to examine them and pass an order, as they have by so doing, violated the orders passed in the month Wrischigom, on having treated us as robbers, and thereby enable us to reside in the polluted house; we also pray for the restoration of the seed they have carried, and also that we may be released from confinement. The witnesses, who are acquainted with this matter, are Koya-pillay Tamoo Nair, Ruttul Rolata, Conce Kooty Nair and some others.

8th Meenom, (signed)

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Order.—This case not being cognizable in the police, this petition is rejected. The circumstances must be represented to the collector.

20th March 1818. (signed) *W. Mason*, Assistant Magistrate.

To Mr. James Vaughan, Collector and Magistrate of Malabar.

The Petition of Eroombampally Kondy, Nair, Chandoo and Kondy, inhabitants of Cheeroomanoor Deshum, Beypoor Hobilly, in the talook of Calicut.

Having in consequence of the loss of the crop of 993, M. S. presented a petition in the month of Wrischigom last, for the purpose of preventing the sale of property and our own ruin, for the payment of revenue, an order was accordingly passed to that effect, by an endorsement upon the said petition, with your signature thereupon, which I took and delivered to the parbutty, and commenced realizing the amount as before-mentioned, but the Beypoor Hobilly Parbutty, Chandoo Nair, and the accountant Keloo Kootty Nair with some others, on the 4th of Meenom last, in defiance of the above order, came to my house, called Tekedata, caused it to be polluted, and the Koolladem seed of magarom cultivation, and various other sorts of seeds carried off, besides committing various other outrages. I therefore, on the 8th of Meenom, preferred a complaint to the Huzzoor, but as you were that day absent at Tellicherry, the gentleman in charge returned the petition with an endorsement, directing us to represent the subject to the collector, no order having been passed from the talook cutcherry, when I represented the matter, and now all my chermars having been seized and carried to the hobilly cutcherry, for the purpose of selling them by public auction; I am therefore exceedingly grieved, and beg to state,

1st. From 2,300 and odd fanams of revenue due by me, deducting what is paid by the Koodians themselves, I am accountable for 1,045¾ fanams for the year 993, M. S. of which the sum of 780 fanams 7½ vishums has been paid by myself direct, and through the hands of Meley Kanjoo Nair and Nambaygaat Oonee Paravan Nair, leaving a balance of fanams 247 and vishum 4½, for the payment of which, the parbutty, Meenon and Kolkars, as also the defendants mentioned in my petition of the 8th of Meenom, came on the 4th of Meenom, and carried off from my house, called Tekedda, a quantity of nellah seed, and sealed up the remainder, making 251¾ paras, the value of which has not been credited to me.

2.—As they are now going to sell my chermars, I am much grieved; I therefore beg to state, that as I pay a great sum in revenue, if the seed and chermars be no restored to me, I shall not be able to carry on the cultivation henceforth, my family will be inevitably ruined. I therefore pray the gentleman to issue an order, that the sum of fanams 245, the balance of my revenue, after deducting the amount what has been already paid by me, be collected from me with the usual interest, within the 30th of Chingom next, and that the order which you gave me in Wrischigom last, and which I delivered to the parbutty, as also the petition I presented at the talook on the 5th, in consequence of the aforesaid defendants having polluted my house, and carried off the nelly seed, the zaminee chit executed in hobilly cutcherry, on account of revenue, as also the order now in my possession, passed the huzzoor to the petition I preferred on the 8th of Meenom, on this same subject, as also the defendants therein mentioned, and the witnesses who are acquainted with the matter be sent for, and after examining the circumstances of the outrage committed upon me, cause the restitution of my seed, and the chermars, and the exemption of my house from pollution, and the prevention of a similar recurrence in future; I also pray, that I may be furnished with an order (to the parbutty) to collect the balance of my negade, viz. fanams 245 and vishums 4½, with the usual interest, within the 30th of Chingom next, and that I and my family may be protected.

26th of Eddawam 933, M. S. (signed)

To Mr. James Vaughan, Collector and Magistrate in Malabar.

The Petition of Eroombampally Cherria Kondy Nair, of Chiroowanoor Deshum, Beypoor Hobilly, in Calicut Talook, written from confinement.

On the 5th Menom last, I presented a petition in the Talook; and another, dated the 8th, in the Huzzoor Cutcherry, setting forth the circumstances of the Parbutty and his Menon, together with eight or ten others, having on the 4th, and previous to any proclamation being issued, come to the house denominated Takeydata, where my karanawan Kondy Nair lives, polluted the place, and carried off makara nelly seed, and sold 251 ¼ parahs, on account of rupees 70—30, being a balance

balance of fanams 1,025 ½ of revenue, due by my said karanawen Kondy Nair to the beypoor Hohilly Cutcherry, for the year 993, and for the payment of which money, he (my karanawen) had offered a security. Subsequent to this, another petition, under date 28th of Edawom last, was presented to you, stating, that in the same month, four chermars were carried off and sold, without the usual proclamation being issued regarding them, and it was for the malicious purpose of ruining my family that I was thus persecuted; which petition being referred to the talook, an answer was sent from that cutcherry, and then a second order was issued from the huzzoor; upon which the sheristadar called, and told me that the chermars, who had been sold, would be returned to me, and that he would pass a receipt for the proceeds of the sale of the nelly seed; to which, on my replying that I could not carry on the cultivation, unless the same was restored to me, on the 19th instant, I was put in confinement in the talook without any cause on my part; and while remaining there, on the 20th, my karanawen Kondy Nair was also taken to the talook, and both of us placed in confinement among the revenue defaulters. One or two days before this, the sheristadar said in the presence of many persons, that, in consequence of the reply I had made to him with respect to the above said chermars and seed, an accusation should be invented against me in the police, and thereby subjected to some punishment; which being accordingly put into execution, I was taken out of the revenue prison-house, where I had been confined, and placed in the police place of confinement.

It being very grievous that myself and karanawen should be thus confined and ill treated through malice, we earnestly pray that we may be released, after being examined before you, and redress afforded to our grievances.

Dated 25th Meethoonam, 993. (signed)

ORDER.—An order having been issued to prefer a proper complaint against the petitioner, the circumstance stated herein will be known when proceedings are held therein. The petition is therefore returned.

9th July 1818. (signed) *J. Vaughan*, Collector and Magistrate.

To Mr. James Vaughan, Collector and Magistrate in Malabar.

The Petition of the mookiastan Karoombampally Kondy Nair, of Cheroomanoor Deshum, Beypoor Hobily, in the Calicut talook; written from confinement.

While lying in confinement on account of arrears of revenue due by me to the beypoor hobily, on the 19th Mithoonum last, by Anandrawun Cherria Kondy, was also put in the police place of confinement in the talook, through malice, where, to my great grief, he has been ever since starving with hunger, not being allowed any subsistence. Being unable to undertake any long journey, owing to my old age, I used to depute Kondy now and then in my name, but I have never constituted him to act for me in my private business; in consequence of this, and as Kondy has other cultivation to attend to, he is utterly ignorant of the false accusation which the parbutty, his menon, and some of the mookiastans, through malice, have made against me in the police; and as no witness has given evidence against him, I most earnestly pray that the aforesaid Kondy may be released, and after examining my case, that security for the payment of the revenue due by me, until the 30th instant, be accepted, as also, that my chermars and seed be restored to me, and redress afforded to my grievance by releasing me from confinement.

Dated 6th Karkadagom, 993. (signed)

ORDER.—The petitioners are committed to confinement for the purpose of being examined, and forwarded to the court, for their having, after their nelly seed had been attached according to custom for arrears of revenue, in violation of order, opened the house with a false key, broke the seal, and took away the nelly.

(signed) *J. Vaughan*, Collector and Magistrate.

Dated 6th Karkadagom, 993.

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To Mr. James Vaughan, Collector and Magistrate of Malabar.

The Petition of Eroombampally Kondy Nair, inhabitant of Cheroomanoor Deshum, Beypoor Hobilly, in the talook of Calicut.

They, Beypoor Hobily Parbutty Keyakepaut Chundoo Nair, with eight or ten persons, having come to my house, said that they had been ordered by the Calicut talook sheristadar, on account of revenue, polluted it, and sold, without any proclamation, my magarom seeds and chermars, I preferred several petitions to you, when an order was passed upon my petition of the 26th of Eddawom, for the talook sheristadar to restore my seeds and chermars; but he has not to this day, in conformity with the said orders, restored my seed and chermars; I therefore pray the gentleman to send for the aforesaid sheristadar and the parbutty, and cause them to restore my seed and property, and enable me to carry on the cultivation for the year 994, M. S.

7th Chingom, 993.

To Mr. James Vaughan, Collector and Magistrate of Malabar.

The Petition of Eroombampally Kondy Nair, and Kondy, inhabitants of Cheroomanoor Deshum, Beypoor Hobilly, in the talook of Calicut.

On the 4th of Meenom 993, M. S. the aforesaid Hobilly Parbutty, Keyakepaat Chandoo Nair, with eight or ten persons, having come to my house called Tekedata, and saying that they had come by the order of the Calicut talook sheristadar, on account of revenue, polluted my said house, and having without (agreeable to custom) made any proclamation, taken and sold 251 ¼ paras of my magaram seed; and again having, without a proclamation, sold four of my chermars, and polluted my house, and caused a loss to me of property; I from that to this period having presented my petitions on the subject, an order was passed upon my petition of the 26th of Eddawam, stating that my seed and chermars were to be returned; but when I went to the talook for that purpose, my property was not returned to me, agreeable to orders. I, in consequence, preferred a petition on the 7th of Chingom, when a second order was issued to the talook for the immediate restitution of my property; and the sheristadar was sent for in the huzzoor, and then I was sent along with him to the talook; but he has not, up to this day, agreeable to orders, restored my property. As I have not been able to carry on the cultivation, for the purpose of paying the revenue for the year 994, M. S. and as my house has been polluted, and various other property destroyed, I am accordingly grieved; I therefore pray, that from the 1,025 fanams due by me on account of revenue for 993, deducting what has been paid, the balance, rupees 30¼, be received. The parbutty, Chandoo Nair, having refused receiving the same when I tendered it, although I did so a second time, in presence of the persons who have now come from the talook to collect the revenue arrears, viz. the parbutty of Walloowanaad Hobilly and the parbutty of Eddakaat Hobilly, and being bent upon ruining my tarawad, and now the time for sowing has passed, and to borrow seed and sow it in time not being allowed us, we were obliged to quit our residence, and suffer a loss of our property; three fields, containing kany paddy, have been destroyed by cattle and hogs. I therefore pray you, to send for the aforesaid sheristadar and the parbutty, and cause them to restore the 251¼ paras of seeds taken from me, 70 paras of seeds which I annually borrow to sow, making a total of 321¼ paras, yielding 1,608¼ paras of paddy, and also the restitution of several other articles of property, which have been destroyed, in order to enable me to pay the revenue, to defray the expenses of my family, and to remove this pollution.

(signed)

20th Toolam, 994, M. S.

To Mr. James Vaughan, Collector and Magistrate in Malabar.

The fourth Petition of Erambampally Kondy Nair, and his anandrawen Cherria Kondy Nair, of Cheroomanoor Deshum, Beypoor Hobilly, in the Calicut talook.

Although orders have been issued to the talook sheristadar (for the restoration of our property), in answer to three of the petitions we presented from 26th Eddawom to the 20th instant, regarding the circumstances of the Beypoor hobilly parbutty Chandoo Nair's having, without the usual proclamation being published, sold our

nelly

nelly and chermars, and occasioned other losses, polluting also our houses, no restoration of our property has yet been made to us, though we were sent along with the sheristadar for that purpose; in consequence thereof, and the sale of our nelly seed, the cultivation could not be carried on; we therefore again presented a petition before you, under date the 20th Toolam, for the recovery of the loss sustained in the cultivation, and in our property, when another order was issued to the talook; but no redress to this day has been afforded to us, in pursuance to the said order; which circumstance being grievous, we pray that you will be pleased to examine the said case before you (as prayed in our petition presented under date the 20th Toolam), without referring it to the talook, and order our property to be restored to us, and thereby afford redress to our grievances, or at least issue an order, that we may know against whom we should lodge a complaint in the Udalut for the recovery of our property. Dated 27th Toolam, 993.

(signed)

ORDER.—The petition has been perused. If the grievances complained of herein are not redressed, the karanawen himself should attend, when the cause will be examined into.

(signed) *J. Vaughan,* Collector and Magistrate.

27th Toolam, 993.

To Mr. James Vaughan, Collector and Magistrate of Malabar.

The Petition of Eroombampally Kondy Nair, inhabitant of Cheeroomanoor Deshum, Beypoor hobilly, in the talook of Calicut.

The Beypoor hobilly parbutty, without making a proclamation, but saying that it was by the order of the sheristadar of the aforesaid talook, having sold my magarom seed and chermars, and prevented me carrying on the cultivation, and thereby destroyed my property, several petitions were presented to you, both in my name and in the name of my nephew Kondy, when you were pleased to send three different orders to the talook to restore my aforesaid property; but the sheristadar not having restored my property, a fourth petition was, on the 27th of Toolam last, presented to you, when you were pleased to say, that if I, who am the karanawen, appeared, the matter would be inquired into. I am, in consequence, in attendance; but as I am 82 years old, very infirm, unable to walk, and distracted in mind, I pray you will permit my nephew Kondy, whom I have appointed my constituent, to carry on the complaint; and having caused the attendance of the aforesaid sheristadar and the parbutty, examine them with regard to my complaint lodged on the 20th instant, and cause the restoration of my property, and protect me and family.

1st of the Wrischigom, 994. (signed)

ORDER.—This petition has been read. On questioning the petitioner about the circumstances of the case, he does not mention particulars; having, on being asked if he is willing to put his case into arbitration, said he is not. The circumstance of the case cannot be settled in this place. This petition is therefore rejected.

30th Toolam, 994, M. S. (signed) *J. Vaughan,* Collector.

(True translations.) (signed) *T. H. Baber,* Judge on Circuit.

RESOLUTION OF GOVERNMENT.

Ordered, to be sent again into circulation, together with the Board's minute of the 5th January 1818.

Extract, proceedings of the Board of Revenue at Fort St. George, 31st of May 1819.

Read again, letter from the secretary to government in the revenue department, dated 28th ultimo, and entered in consultation 13th inst.

Ordered, That the following letter, together with copy of the above-mentioned letter and its inclosures, be circulated for the early report of the collectors respectively,

Fort St. George Papers: State of Slavery in Company's Territories.

To the Collector in the Zillah of Malabar.

Sir:—I am directed by the president and members of the Board of Revenue, with reference to the inclosed copy of a letter lately received from government, calling upon them for their opinion on the subject of slavery, to call your immediate attention to paras 10, 11, 12, 13, 14, 15 and 16 of the Board's minute of the 5th of January 1818, and to request, that you will, at as early a period as may be practicable, without any reference to the rest of the minute, send a detailed report, containing all the information which you may be able to collect relative thereto, stating particularly the precise power, which, according to the custom of the country, the owner possesses over the person of his slave,—whether he can be sold independently of the land, and any other peculiarities incident to the condition of this class of people; and, on the other hand, what rights and privileges they may possess in virtue of their situation.

I am, &c.

(signed) *H. Chamier*, Deputy Secretary.

Fort St. George, 31st May 1819.

Extract, Proceedings of the Board of Revenue, at Fort St. George, the 21st June 1819.

Salem. Read, the following letter from the collector in the Zillah of Salem.

To the President and Members of the Board of Revenue, Fort St. George.

Gentlemen:—I have the honour to acknowledge receipt of your secretary's letter of the 31st ultimo, accompanied by copy of a letter from Mr. Secretary Hill, dated 28th of last April, regarding slavery, to which I am enabled to make an early and brief reply; having, immediately after perusal of your Board's minute of the 5th of January 1818, caused very particular inquiry to be made into the subject in question.

2.—I can safely state in the manner referred to in these communications, there is no vestage whatever of slavery in this collectorate, nor has any such practice obtained from the time the country came into possession of the Honourable Company. During the Mussulman government, there were a few slaves belonging to certain Nunjah lands in the vicinity of the Cauvery; and there are now some descendants of these people, but they are just as free as any other inhabitants. I have heard of one or two instances of a child being sold for the purposes of domestic slavery; but this is uncommonly rare, and otherwise, such a circumstance as a person being sold as a slave, has never transpired.

3.—It was formerly the custom not to allow the ryots to go out of the district, or even from one village to another, without being obliged to double the cultivation; but this practice has long since been out of use, and while there are no balances against the ryots, they can move when and where they like, without the slightest restraint.

Durumpoory, 14th June 1819. (signed) *E. R. Hargrave*, Collector.

Ordered to lie over until the replies required from the other collectors have been received on this subject.

Extract, Proceedings of the Board of Revenue at Fort St. George, the 1st July 1819.

Coimbatore. Read the following letter from the collector in Coimbatore.

To the President and Members of the Board of Revenue.

Gentlemen:—I have the honour to acknowledge the receipt of Mr. Secretary Campbell's letter of the 31st ultimo, calling for information with regard to the state of slaves.

2.—I have already had the honour to state, that slavery exists but in a very few villages of Coimbatore. From all that I can learn, it appears certain, that the owner has a right to sell his slave without the land; but that it is a right very seldom, if ever exercised. The highest price for a good slave is 50 rupees; the price however is seldom so high. The children of slaves are born slaves; on the birth of a child, the master presents with clothes and one or two rupees.

3.—The

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3.—The masters are supposed to be vested with despotic authority over their slaves, and with power to punish them, on apprehension; however, that the exercise of such authority is not permitted by the British government, appears generally prevalent, and rather operates to prevent the merchandize of slaves, as they are considered to be less valuable when free from the fear of punishment. There appears reason for thinking, that the slaves are, on the whole, better treated by their masters, than the common class of free labourers.

4.—The masters possess a power, not only over the person, but over the property of his slave, and he may make use of the cattle reared by the slave for agricultural purposes. The slaves are sold with the land, but if they should object to serve another master, they are not forced to do so. This however I take to be an indulgence of the master, not a right of the slave.

5.—The slaves have a share of the produce, allotted for their subsistence, about an eighth. In some instances land has been made over to the pullers, which they cultivate for their support.

6.—In many places where slavery does not exist, a species of bondage is introduced, by the Ryots undertaking to bear the expense of their pullers marriage, upon condition of the latter binding themselves to serve the Ryots exclusively for life.

7.—Slavery may almost be considered as extinct in Coimbatore, as the epidemic has carried off many of the slaves, and the number was always inconsiderable.

(signed) *J. Sullivan*, Collector.

Circuit Cutcherry, Sattemungalum,
24th June 1819.

Ordered to lie on the table, until the reports required from the other collectors be received on the subject.

Extract, Proceedings of the Board of Revenue at Fort St. George,
8th July 1819.

Read the following letter from the collector at Tanjore.

To the President and Members of the Board of Revenue, Fort St. George.

Tanjore.

Gentlemen:—I have had the honour to receive your secretary's letter of the 31st ultimo, upon the subject of slavery, and desiring me to forward a report upon the present state of it in this district, and particularly the precise power which, according to the custom of the country, the owner possesses over the person of his slave; whether he can be sold independently of the land, and what rights and privileges the slaves possess in virtue of their situation.

2.—From the best information I can obtain upon this subject, it appears that slavery, unconnected with the land, does not exist in this district; but in connection with the land, slavery does exist in this district to a certain degree, although the situation of these people is widely different from what is understood by the term slavery in other parts of the world, the whole being in the first instance here founded upon a voluntary contract between the parties.

3.—The slaves here are of two castes only, the Puller and Pariah; and, as before said, the origin of their bondage arises in a voluntary agreement on their part to become the slave of some man more powerful than themselves, upon whom they thus impose a more strict obligation to protect and maintain them and their families, than if merely serving them as labouring servants. The Bramins, in consideration of their caste, do not receive these bonds of slavery directly in their own name, but have them generally drawn out in that of some of their Soodra dependents. When a bond of slavery has been given, it ceases not with the life of the party, but is binding upon the descendants of the original giver, who continue bound by the condition of it likewise. In return, the owner is obliged to find subsistence at all times and under all circumstances, for the family of his bondsman, whom he can employ in any manner he pleases, although it is generally as a labourer in the fields. The bondsman does not reside in his master's house, nor form any part of his family, but has a house provided for him, along with the others of his caste, to which a back yard of eighty goontahs, rent free, is attached, the same as other labourers. The master has the power of selling the slave, but he cannot sell him to any one who will carry him to a distant part of the country, without his own consent. If the master, through poverty, or other cause, fails, or becomes unable to subsist and

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protect his bondsman and his family, he is at liberty to seek employment as a free labourer elsewhere, but is liable to be reclaimed at any time by his master, when he may be again in a condition to fulfil his part of the agreement. When lands are sold in any way, it is always independent of the bondsmen, if any, upon it. If they are likewise to be sold, separate deeds of transfer are passed; if not, they continue attached to their former masters. No person of this description has ever yet been considered as seizable property, or sold for an arrear of revenue, nor do I believe ever by a judicial decree in any civil cause; nor have I ever known this species of property recognized by the officers of government, although it is by the natives themselves, in their transactions with each other.

4.—On the part of the bondsman, his rights are, subsistence and protection for himself and family, from his master, with liberty to seek it elsewhere, as a free agent, if not found him, and the right of not being removed by sale to a distant country from the place of his birth. With regard to himself personally, his treatment from his master is the same as that of his other labourers, which is in general of a mild nature, but he is not more liable to personal punishment than others, in consequence of his state of bondage, and any cruelty or abuse of authority on the part of the master towards his bondsman, would be complained against and punished with equal strictness as if committed upon a free man.

5.—Upon the whole, therefore, the Board will perceive that the condition of these people differs very little from that of the common labourer, and that the treatment to both is nearly the same. The disadvantage to the bondsman is the power of being sold or transferred to other masters, and this, I believe, is not very frequent, as it is the last property generally which is disposed of by a person in distressed circumstances. The advantages are, the more effectually securing subsistence and protection to themselves and families, particularly in times of trouble or difficulty, than it is binding on masters in general to bestow upon common labourers, and this without rendering their condition in any degree intolerable, towards the amelioration of which the equity and mildness of the British government has greatly operated in respect to rendering the conduct of masters to their servants indulgent, forbearing and kind.

6.—I do not find that the system of slaves attached to the soil, and transferable by purchase, as an appendage to the land, obtains here.

(signed) *J. Hepburn*, Collector.

Cutcherry of the Collector of Tanjore, 30th June 1819.

Ordered to lie over, until the answers required from the other collectors are received on this subject.

Read the following letter from the collector of Trichinopoly.

To the Secretary to the Board of Revenue, Fort St. George.

Trichinopoly.

Sir:—I have the honour to acknowledge the receipt of your letter, under date the 31st ultimo, and to submit such information as I have been able to obtain regarding the former and present condition of the Pullers. On my appointment to the collectorate of Trichinopoly, the importance of ameliorating the condition of so useful a class of people induced me to ascertain, with some precision, the several points which I have now the honour to submit to the consideration of the Board.

2.—In pursuing this inquiry, I shall proceed to discuss the following points:

1st, The origin of pullers, or agricultural slavery.

2dly, The number of pullers in Trichinopoly, and nature of the services they are bound to perform.

3dly, Their rights, privileges, and emoluments.

4thly, Whether they are well or ill treated, and the policy or otherwise of doing away the establishment.

The origin of Pullers or Agricultural Slavery.

3.—It is I apprehend indisputable, that, in the early ages of Hindoo government, agricultural and domestic slavery existed to a considerable and indefinite extent. The practice was sanctioned by prescription, and upheld by law; but it will be found, that the terms of bondage, and the nature of the services required from the slaves, differed essentially in almost every district.

4.—No

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4.—No distinct information can be obtained at what period agricultural slavery commenced. It is now impossible to trace, whether this establishment took its rise from the voluntary submission of the indigent to the wealthy, or whether the Pullers were originally captives taken in war; but as this species of bondage is generally the concomitant of barbarous governments, it must of necessity have been a very ancient institution of the Hindoos; under their arbitrary government, the distinctions of caste were scrupulously maintained; and, adverting to the circumstance of the Merassidars in Trichinopoly being bramins, it scarcely excites surprize, that agricultural slavery should exist here unchanged and undiminished.

The number of Pullers in Trichinopoly, and the nature of the services they are bound to perform.

5.—In the west district of Trichinopoly, the number of Pullers may be stated at 10,000, including those employed for the purpose of watching and feeding the cattle. In the dry districts, there are about 600; but I must here observe, that Pullers are only to be found in those villages where there is paddy cultivation. The Pullers of the dry districts appear to be liable to the same rules, and to possess the same rights, as those of the west districts.

6.—The services they perform are chiefly confined to the irrigation of the land in its several stages of cultivation; but their services are also occasionally required by their masters in the menial offices of their household establishment. If a wall or pundall is required, the Pullers are obliged to erect it, without any further recompense than their usual and established emoluments.

7.—The Pullers are usually sold with the land, but there are many cases in which they may be purchased, independent of the land. The price of a Puller varies from five to ten pagodas, according to his age and qualifications; their services are also occasionally mortgaged. As corroborative of what I advanced in the latter part of paragraph 3, a Puller, or female Puller, is never sold, while it would appear, in Malabar, men, women and children, are sold indiscriminately.

Their rights, privileges, and emoluments.

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8.—The pullers are supposed to be entirely supported by their masters in sickness and in health; their marriages are made at the expense of the merassidars, as well as the expense of their funerals. They enjoy some little gratuity at every birth, and receive a certain established sum at the principal Hindoo festivals. I have noted in the margin* a list of the yearly emoluments a puller is properly entitled to receive; and these emoluments, though small, I have every reason to believe are scarcely ever withheld.

* The extent of cultivation to be made by a puller and by a pullee, is 150 cullums of paddy.

Annual emoluments.

	Culls.	Gfs.
Waram of a puller	8	5¾
D° of a puller	6	6¾
	15	½
Batta at the commencement of each fusly for ploughing	3	4
Soduntrums for sowing	6	–
Reaping at 5 per cent	7	6
Thrashing d°	1	–
Pongal feast	1	–
Deepavalley d°	–	¼
Gramadavat d°	–	1¼ fs.
Total annual	26	1½ 5¼ fs.
Proposed addition of warum at 2 per cent	3	–
Total	29	1½ 5¼ fs.

Contingencies estimated:

For a marriage	4	rs. 8
For a birth	2	fs. 2
For a death	2	fs. 2
Total	4	4 rs. 8 fs. 4
Total	33	5½ rs. 9 fs. 1½

Whether they are well or ill treated, and the policy or otherwise of doing away the establishment.

9.—I have examined the pullers themselves on this subject, and asked them what course they would pursue, if ill-used; they replied, they would seek other masters at a distance, who would treat them more kindly. In corroboration of this fact, I have never received a complaint either in my fiscal or magisterial capacity, since my appointment to this district, from a puller against his master. The right of the puller is so distinctly defined by custom, and the interest of the Merassidars so substantially affected by the good conduct and health of the puller, that it is hardly possible to suppose the Merassidars would be so blind to their own interest, as to cause their pullers to abscond, or by harsh treatment, reduce them to sickness.

10.—From what has been already stated, it will be found that agricultural slavery has existed in this district from time immemorial. I shall now submit my opinion as to the policy or otherwise of abolishing the establishment.

11.—There is something so revolting and abhorrent to an Englishman in the idea of slavery, that the advocates for its continuance *in any shape*, must ever labour under the disadvantage of pre-judgment. Notwithstanding this, I shall endeavour to shew, that so far as relates to the revenue of this district, (and I trust my opinion will not be supposed to extend farther), the abolition of the puller system would be attended with the most serious and ruinous consequences.

12.—It has been the custom to describe the pullers as the lowest order of society, involved in wretchedness and misery, and reduced to

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a condition "scarcely superior to that of the cattle they followed at the plough." In Malabar, it would also appear, the human form has ever changed its wonted appearance, and that the slaves are distinguished by their diminutiveness.

13.—This theme holds out a fine subject of declamation; but so far as it relates to this class of people in Trichinopoly, it is highly erroneous, inasmuch as there is no class of people generally so athletic or tall in statue, as the pullers.

14.—It may possibly be urged, that there is something degrading in a government being concerned in selling human beings, "like so many cattle." It would, perhaps, be better if it could be avoided; but so long as the land continues possessed by Bramin merassidars, who, by the immutable laws of *caste*, are prevented personally exercising the offices of agriculture, I see no possible means of collecting the revenue, nor of cultivating the land, without the establishment of pullers. Divesting this discussion of national feeling, the most obvious inconvenience and evil which attends it is, that a man, for the sake of food, and the other necessaries of life, is condemned to perpetual labour; I exclude all unreasonable rigonr on the part of the master, because I have already shewn, that the ruling principle of human conduct, self-interest, is conducive, in the present instance, to soften severity. But whether this obligation to perpetual labour on the part of the puller is not fully requited by a perpetual certainty of maintenance, (for which those who work for hire are often at a loss), may, I think, be fairly doubted. It is, however, possible that the advocate of freedom may think with Cicero, and the third judge in Malabar: "Mehi liber esse non videtur qui non aliquando *Nehil* agit."

15.—For the sake of argument, however, I will suppose, that by proclamation of government, the establishment is directed to be abolished. In this case, I apprehend, the direct consequences would be, either an immediate desertion of the pullers, in a body, or that they would remain in statu quo. The first would be the natural conduct of any class of society, having experienced ill-usage from their former masters, and the latter course would be adopted by the pullers, if they had no reason to complain. If the pullers absconded, it is clear that no revenue could be collected, for who is to supply their place; and, in this case, would government have any claim on the merassidars? The latter would naturally say, "You have taken away our means of paying; you have reduced us to poverty; you have abolished an establishment which has existed for ages, and have thought proper, at our expense, to emancipate our slaves, which prescription and *our* laws made as much our property as the houses we live in. By the laws of our caste, we are prevented tilling our land, and yet you ask us to pay a revenue, which alone can be paid from its produce."

16.—On the other hand, should the proclamation have only the effect of leaving things as they are; if the pullers remained with their masters as heretofore, the only benefit resulting therefrom would be, that government had published a proclamation, without any attention being paid to it. It would be, at *best*, a useless, if not a dangerous document. Hence, to emancipate them entirely, would be ruinous in its consequences both to the revenue and to the puller; for emancipation in India could confer no rights beyond what the puller at present enjoys. Though *nominally* emancipated, he and his children would remain the lowest order of society. He would either continue at the plough, possibly under less favourable circumstances than at present, or seek a livelihood by more daring means. In short, I have no doubt, as justly observed by the Board, that "it might be dangerous too suddenly to disturb the long established relations in society subsisting between these two orders."

17.—While I have endeavoured to point out the danger which might probably result from the the emancipation of the pullers, and that it would be productive of evil, "for which no adequate remedy can be devised," I take the liberty of suggesting to the board a method by which the situation of this industrious order of society might be permanently and substantially improved, without resorting to legislative enactments. The sacrifice on the part of government would be trifling and inconsequential, compared with the benefits which would certainly accrue to the pullers; should the Board think proper to adopt the recommendation, it would be a sacrifice, in my opinion, worthy the liberality, and consonant to the wisdom of government.

18.—By a reference to the list of emoluments, it will be found, that the established warum of the pullers amounts to 18 per cent; by adding two per cent to this warum, the situation of the pullers would be greatly benefited, and the expense to government would be (taking the revenue of the west districts in round numbers) not more than 2,000 pagodas per annum. This sum would materially tend to the comfort of

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ten thousand people, by whose industry and manual labour the country is cultivated, and who, in point of fact, are the creators of revenue, for it must be admitted, that although the Merassidars are the payers of the revenues, receiving a larger warum, that the creators of revenue, yet still they are an idle, useless race, " born to consume the fruits of the earth."

(signed) *C. M. Lushington*, Collector.

Trichinopoly, 1st July 1819.

Ordered to lie on the table, until the replies required from the other collectors on the subject have been received.

Extract, Proceedings of the Board of Revenue, at Fort St. George, 12th July 1819.

Read the following letter from the collector in Tinnevelly:

To the President and Members of the Board of Revenue, Fort St. George.

Tinnevelly.

Gentlemen:—I have the honour to acknowledge the receipt of your secretary's letter of the 31st ult. forwarding copy of a letter received from government, and calling in reference thereto, my attention to certain paragraphs of your Board's Minute of the 5th January last, regarding slavery.

2.—From all the information I have been able yet to collect on this subject, I understand it is usual in this district, for slaves to be sold or mortgaged, either with the land or separately, as the proprietor pleases, or his wants require; and that there is no particular rule or general custom, by which the conduct between master and slave, and between slave and master, is governed, further than that the master has at all times the command of the slave's labour, and that the slave cannot work for any other person, without the permission of his master.

3.—In regard to the treatment of masters towards their slaves, it does not appear to be incumbent on them to afford a subsistence to their slaves, except when employed on their business, and then it is on the lowest scale of allowance, being generally no more than two measures of paddy a day; at other times, their slaves are obliged to seek a livelihood at the hands of others, being bound only to return to their masters, when the season of cultivation again commences; besides this allowance, however, which the slaves received from their masters on working days, they are entitled, when the crops are reaped, to a small deduction from the gross produce, called here " paroo," which varies in different villages, but amounts generally to about 2½ per cent; and it is usual, when deaths occur amongst them, for their masters to assist them in the necessary funeral expenses; and, on marriages, births, and festival days, to grant them presents according as their circumstances will admit; but these are acts quite voluntary on the part of their masters; and the slave, it appears, can claim nothing more than a bare subsistence while he works, and his solunterum, as above described, at the time of harvest.

4.—All punishment of the slave by the master, if this power ever existed, and was recognized in former times, seems now to be at an end; and there is no instance, I am happy to say, within my experience in this district, of a slave complaining of ill-treatment from his master; the fact, indeed, appears to be, that the slave is so necessary to the cultivation, and labourers are so scarce, that the proprietors find it their interest to protect and treat them well, and the slaves in time, become so attached to the village in which they are settled, that they seem not to consider their situation, nor to shew any desire to be free and independent.

5.—In calling upon the Tehsildars for an account of a person's property, to know whether he is a fit security for another, it is usual, if he possesses slaves, to include them; a male slave being estimated in value from 3 to 15 C. Chuckrums*, and a female from 3 to 5 C. Chuckrums†; but I have always rejected them in the account, as unavailable property by the circar, and none have ever been sold in this district, for an arrear of revenue.

* Rupees, $6\frac{9}{176}$ to $31\frac{29}{176}$.

† $6\frac{9}{176}$ to $10\frac{15}{176}$.

6.—In respect to the very benevolent object your Board have in view, of bettering the condition of these people, I am at a loss, at present, what to suggest, for it would be obviously unjust and impolitic to declare them independent; and, without a thorough understanding of their situation, which it is difficult to acquire, unless on very minute inquiry, which might be dangerous, inasmuch as it would shew a disposition to disturb the long established customs of the country, any attempt to improve it by legislative enactments, might possibly have the contrary effect; but I

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think it might with safety be enjoined, for the guidance of the courts of justice, that the slave may prosecute his master for the customary allowance, if it is withheld, and that the master shall have the aid of the courts to secure to him the labour of his slave, so long as he treats him properly; that for any severity of treatment, the master shall be subject to the same penalty, as for a similar act towards any other individual; and if repeated, or cruel in the first instance, the slave shall be emancipated; and further, that any person enticing away or harbouring the slave of another, who has a just title to his services, after being duly warned, shall be liable to punishment for a misdemeanor, and fined.

(signed) *J. Cotton*, Collector.

Tinnevelly, Tencaushy, 30th June 1819.

Ordered to lie on the table, until the replies required from the other collectors on this subject, have been received.

Extract Proceedings of the Board of Revenue at Fort St. George, 19th July 1819.

Canara.

Read the following Letter from the Collector in Canara, to the President and Members of the Board of Revenue.

Gentlemen:—I have the honour to acknowledge the receipt of your letter, dated the 31st May, received on the 15th ultimo, together with copy of a letter from Mr. Secretary Hill to the Board, under date 28th April, on slavery in Canara. The Board call my attention to this subject, and refer me to particular paragraphs of their minute on Canara, directing me to furnish a detailed account of all points connected therewith.

Par. 2.—I accordingly have the honour to submit the following detail, drawn up with care, and from the very best sources. The origin of slavery in Canara is to be traced from extracts from an ancient book called Sheehadry Pooranum, but by no means an authentic record; in short it would appear a tradition only.

It appears from this, that Canara, together with the whole Malabar coast, when it was recovered from the sea by the God Purasuram, in consequence of the chetry sect, who possessed the upper Ghat countries, having opposed his father, Burgowa Reshy, and were destroyed on that account by his son; thus depopulated, it was bestowed upon Kashapa Reshy, by Purasuram, as a peace offering for the enormous destruction of human life. He appears to have been a gooru of great celebrity.

The gooru objected to Purasuram remaining in a country exclusively his under the law, that whatever is a gift to a Bramhin cannot be meddled with.

On this the god retired to Shehadry Purwunt, a high peak on the western Ghats, and after consulting with the ocean, he recovered and consolidated the land as it now runs from Cape Cunnia Comary to Nashykatreeyumbuck; (this land is not known.)

To give it a population, the god created the Moggur and Mussulman inhabitants of certain islands in the sea, Bramins, and gave them possession of the country, directing them, in case of any distress, to call upon him for aid. The Bramins without any cause called upon the god, to make a trial of his promise.

The god, displeased at their want of faith, withdrew them from the Braminical sect, and made them Suders.

At a period subsequent to this, Sheven and his wife visited the country; they had a son, Kadumber Ryer, whom they created Rajah, and left him to preside over the country.

He and his posterity reigned some time, when one of them, named Myoora Vurma, considering there were no lawful Bramins in the country, went and brought several from the country situated (aheetchetter), in the Sea of Milk, and divided them amongst three portions of the kingdom.

1st.—From Bunnawassi to the river Gungolly, as the Hyger Bramin kingdom.

2d.—From Gungolly to the Nelaisweram river, he called it Tooluva.

3d.—From Nelaisweram to Cunnia Comary, Kairl or Mallaryalum.

With the Bramins came servants; these were called Nair, and performed different menial offices. They were also cultivators of the land. Myoora Vurma quitted the country, leaving a son very young, and placed a dewan to conduct affairs for him; his bad conduct compelled the Bramins to quit the kingdom.

The son however, when he grew up, assumed the country, and brought the Bramins back again. His son, Loga Aditthya, then succeeded. During his infancy,

infancy, a slave named Hubashyka, usurped the kingdom, and committed every enormity. Loga Aditthya was carried above the ghats by his mother, and the Bramins again quitted the country.

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The Suders were then left with the usurper at their head.

Some time after this a Rajah, called Chumdashaina, came to Gokurn for the purpose of marrying his daughter to Loga Aditthya, and in order that Hubashyka might not interfere and prevent the ceremony, formed a friendship with him. The slave on the contrary demanded the daughter in marriage, threatening to kill the Rajah if he refused. He consented, provided the slave would come attended by all his people unarmed. He also required his intended son-in-law to come down from the ghats with all his people, and to assist in putting the slaves to death.

This was duly executed, and Loga Aditthya was established on the throne. He recalled the Bramins, gave them lands and slaves, who had escaped the massacre, and bound them to their new masters, prohibited them all situations, and ordered that they should only receive grain for their support. He also gave the Bramins power to punish, but not to kill them for any crime, that power being only in the royal authority.

Par. 3.—From this tradition the most learned natives deduce their first power over the class of people called in Canara dhers or slaves. There are a variety of slaves, according to the Shastirs fifteen; the following are the appellations of twelve classes in Canara, who are labourers on the soil; their number is estimated at 60,000. I have classed these as slaves, perhaps incorrectly, one half are decidedly sold, and are transferred with estates, or may be sold. The remainder are actually in slavery; they are of the same caste, and sell their children, but themselves work as daily labourers on estates.

1.—Bak-kood.
2.—Kurry Moogher.
3.—Mair.
4.—Buttall.
5.—Marry Holler.
6.—Hullur.
7.—Husseller.
8.—Goddy Naver.
9.—Corrager.
10.—Byr Holler.
11.—Hy Podder.
12.—Myler.

Amongst these, although they learn different occupations, they do not exclusively work at one business, they come under the fixed term of outcasts or pariahs; slavery also exists amongst the Mussulmans and Suders to a considerable extent, and has its origin in the following causes; relieving a starving object taken in battle; love for a female slave; Suders or Bramin women who have lost caste by having connection with a man of inferior caste. The second and last descriptions were sold under the Mussulman government, and their descendants continue slaves. Under Mr. Baber, when magistrate here, some stop was put to this, but there is no doubt it exists in an underhand manner at this day. Tilling the land is the chief occupation of the twelve classes already enumerated, and the following observations apply solely to these; rearing of cattle and the lowest menial offices, in short every description of labour unconnected with the internal economy of the master's house, which they could not enter. Estimated 20,000.

4.—The right of sale was, and is still, the master's exclusive privilege, either with or without the land; the price varies, and is settled amongst the purchasers and sellers. The usual rates are as follow:

For a strong young man from 12 to 26 rupees. D° woman, from 12 to 24 d°.

A child, never under four rupees.

It is customary to pass a bill of sale on a bargain being made, or a mortgage bond. The transfer by purchase or gift is attended with a short ceremony, both between the seller or giver and receiver, and the slave; the slave drinks some water from his brass bason, and calls out, "I am now your slave for ever." The zillah court, I understand, has guaranteed this right by decrees, both on transfer of landed property, or in sale in execution of decrees.

The master can lend his slaves out on hire; he can sell the husband to one person, and the wife to another. This is not often done, because neither of the purchasers can be sure of keeping his purchase; thus the great law of nature seems even in these humble creatures to be acknowledged by their owners; care is always taken in purchasing, not to carry the slave to any distant estate, their attachment to the soil on which they were born being well known.

The master can sell the children; but this is seldom done from the foregoing cause, the fear of desertion.

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The master according to his means feeds and clothes his slaves. He never pays them wages in money, but presents them on their marriages or particular ceremonies, with a small sum. The quantity of food and clothing to a slave varies in every talook; it does not seem to be regulated by any rule, although it would appear that some original quantum obtained. The average may thus be estimated:

Food.	Clothing.
A Man,—1½ canara seer coarse rice, 2 rupees weight salt, a little betle-nut and leaf.	2 Pieces of cauthy, 6 cubits in some talhooks, a cunably and roosnals given.
A Woman,—1 seer.	1 D°, 7 cubits.
A Child,—¾ d°.	1 D°, 4 d°.

The salt, betle, &c. is optional. It is also customary to give them conjee from the master's house.

From every inquiry, I cannot learn that any want or cruelty is experienced by the slaves, the master being well aware, that on any ill-treatment they will desert him, and the trouble and expense attending their recovery would perhaps amount to the value of the deserters.

5.—Slavery seems to be inconsistent with "rights and privileges," if I understand the correct meaning of the terms; on these points, therefore, I can only generally state, that the Dhers of Canara possess none.

As a distinct class of people they have distinct customs. These consist in their marriage and religious ceremonies. They have no day which they can call their own. It often happens, however, that a kind master, on any of his great ceremonials, grants to his slaves that day to themselves, and free from all labour. They accompany the corpse of their master to the funeral pile at a respectful distance, shave their heads, and cry out. The cloth which covered the corpse is given to the slaves. The twelve classes have different customs. A Dher can be turned out of his sect, if he eats the flesh of a cow, by an assembly of the caste; but it is of no consequence to the owner. Some classes eat cow's flesh. A few in the Byr Holler learn to write. If a Dher accumulates a little real or personal property, he retains it independent of his master. The Dhers either burn or bury their dead.

The master of a deserving slave sometimes gives him a slip of ground, which he may cultivate for his own use. He also enjoys the produce of such trees, roots and vines as he is permitted to plant; but the right in the soil or tree is in the master.

6.—They sacrifice to the devil only; they have no priests, performing their ceremonies themselves. These are three times in a year; they cannot even perform them without the master's permission, for as they are prohibited borrowing money from any one but himself, they are compelled to get the means from him. The same applies to their marriages. There does not exist any interference on the part of the master in the ceremonies; but if the slave of one man marries the female slave of another, the child born of that marriage, if a male, goes to the owner of the male, and *vice versâ*.

7.—The number of slaves of all descriptions in Canara has never been correctly ascertained, they may be estimated at 82,000.

(signed) *T. Harris*, Collector.

Collector's Cutchery, Mangalore, 10th July 1819.

Ordered, to lie on the table, until the replies of the other collectors have been received on the subject.

Extract, Proceedings of the Board of Revenue, Fort St. George, 5th August 1819.

Read the following letters from the collector in Malabar.

Malabar.

To the President and Members of the Board of Revenue, Fort St. George.

Gentlemen:—I have the honour to acknowledge the receipt of your Board's letter of the 31st of May, requiring a detailed report on the subject of slavery in Malabar, at as early a period as might be practicable.

2.—Your Board will not, I trust, consider me as having been dilatory in the execution of these orders, which I lost no time in carrying into effect; but so various are the customs which prevail in Malabar, that there was not an individual in my office who could throw any clear light on the subject, I therefore determined upon calling for information from every part of the province.

See N° 1.

3.—With

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3.—With regard to the condition of the slaves in Malabar, there cannot be a doubt but that it has been very materially improved under the establishment of our government.

4.—The system prevails throughout Malabar, but, comparatively speaking, in North Malabar, to a very small extent, increasing gradually from the northern extremity of the province to the south and eastern boundaries.

5.—Their numbers may be estimated at about one hundred thousand, of which perhaps one-twentieth are to be found in North Malabar, four-twentieths in the Centre Talooks, and the remaining fifteen-twentieths in the Southern and Eastern Talooks; in this estimate I have not included those in Wynaad.

6.—They are slaves of the soil, and are generally attached to the land of the proprietors of the ground in which they were born; but this is by no means considered an essential point, being frequently transferred by sale, mortgage, or hire, as your board will observe by reference to the documeets which accompany this. See N° 2 a' 19.

7.—The wealth and respectability of a landholder is as much appreciated from the number of his slaves, as from any other property he may be possessed of.

8.—By the laws and customs of the country, it is as impracticable to reduce a free-born subject to a state of bondage, as it is contrary to them to emancipate a slave; and, "once a slave always a slave," may be considered a motto to be prefixed to the subject of slavery in Malabar, according to the ideas of the natives.

9.—Slaves now in existence have been slaves from their birth; they are descendants of slaves, whose origin must be traced in the traditionary legends of Malabar; and I question, whether they would not think themselves dishonoured, were an attempt to be made to force upon them a Brahmin who had lost caste; they are subdivided into distinct castes or sects, observe different forms of worship, have their separate and peculiar customs, and regulate their economy in conformity to the customs handed down from father to son for generations, the origin of which is lost in the abyss of time.

10.—In one sect they observe, what in the documents which accompany this is termed Makkas Tye; in another, they observe the Marra Makkas Tye; the former being the common laws of kindred, the latter similar to the customs amongst the Nairs, in which inheritance goes to the sister's son, and this constitutes the value of a female of one caste over that of the male; and *vice versa*, a male being more valuable where the progeny goes with him.

11.—The marriage contract is made entirely among the parents of the parties, without any interference on the part of the proprietor, to whom however it is necessary to make known the proposed connection.

12.—No valuable consideration is given by the male for the possession of the female to the owner. The contract may be dissolved at the pleasure of the parties connected, in which event the husband takes off the marriage necklace (commonly composed of shells or brass ornaments), which makes the dissolution complete, and each are at liberty to form new connections; but whilst the contract lasts, I have had opportunities in my magisterial capacity, when an assistant in the courts, of observing a wonderful degree of jealousy and tenaciousness of family honour, when contrasted with the general appearance, habits, and apparently brutish stupidity of these castes.

13.—The measure of subsistence to be given by the proprietor is fixed, and he is bound by the prescribed customs of the country, to see it served out to them daily; a frequent failure on the part of the master to perform this duty, is sure to be attended with desertion to another, from whom they expect kinder usage, and when this does take place, the recovery of them is attended with difficulties that are not easily overcome, for, independent of being obliged to have recourse to courts of justice, months and years perhaps elapse before they can discover to what place the slave absconded. In short, the proprietor feels it his interest to see them well treated, through apprehensions of the consequence of an opposite conduct. In former days, the proprietor possessed the power of life and death over his slave; but this was probably seldom or ever had recourse to, and desertion only would, in all probability, have been one of the motives for so rigorous a measure, but there were many circumstances which would have operated as a check upon the gratification of this species of severity and revenge.

14.—I do not immediately recollect any instance of a Cherma having appealed to a court of justice for protection from the ill-usage of his master; but instances are not wanting of persons having been brought to justice, and to a severe account, for the murder or wounding of a slave; and as it is universally known throughout

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Malabar, that British justice considers the life of the lowest individual as valuable as the highest character in the country, and that as severe a measure of retribution would fall on the head of the murderer of a slave as of a rajah, we may consider them as well protected by the laws as any other race of beings.

15.—In some respects Churmas may be considered in more comfortable circumstances than any of the lower and poorer class of natives. An instance of a Churma being a beggar is unheard of; they and their families are sure of having the means of subsistence, as, if the owner should be rendered unable to afford this, he will sell, mortgageor hire his Churma to another, on whom would devolve the duty as well as interest in affording such subsistence as to enable the Churma to go through the labours of the day. Contrast this with the situation of a free-born but poor labourer, depending on the labours of a day for his subsistence, unable, perhaps, to find employment, with a wife and family to support, and to no one to whom he can look up for protection or subsistence.

16.—In attempting to ameliorate the condition of these slaves, care must be taken that we do not increase them. The partial measure of declaring them not liable to be sold for arrears of revenue will be a drop of water in the ocean; though why government should give up a right which every proprietor enjoys, is a question worthy of consideration.

17.—On this subject I have two suggestions to offer; one is, that they shall never be sold for arrears of revenue until the whole landed property be sold; another is, that in addition to this, they shall be purchased in on account of government, and then be declared emancipated; but in doing this, provision must be made for their future subsistence, and I much apprehend, that for want of their former means, they would have recourse to pilfering grain from the fields whilst the crops are standing, and then, from small beginnings, proceed to more serious robberies and more heinous crimes. To declare that they should not be sold but with the land to which they were attached, would be a nugatory measure, as the purchaser would, on becoming proprietor, hold his property in them disposable according to the customs of the country.

18.—The emancipation of the whole race I do not conceive to be in the contemplation of government; an observation on this point may not, however, be misplaced here.

19.—In North Malabar, land is cultivated by the owners and hired coolies, but in South Malabar, nine-tenths of the cultivation, more particularly in the rice lands, is carried on entirely by Churmas; we must, therefore, in guarding the interests of humanity in general, be careful not hastily to infringe on rights enjoyed from time immemorial, and on this a parallel, though not altogether a correct one, may be drawn on the situation of slavery in the West Indies, where I apprehend the offspring of slaves, who where so previously to the Act of Parliament which abolished the traffic in slaves, are still considered slaves; but the comparison by no means holds good throughout, for they are the offspring of originally free-born men, who have been trapped into a state of slavery by a vile traffic in human flesh, which every man of feeling must rejoice is no longer tolerated.

20.—To the accompanying documents I beg leave to refer your Board, for a confirmation of some parts of this Report; but in concluding this, I may venture to observe, that on a cool and impartial consideration of the state of slaves in Malabar, slaves may be described as a distinct caste, with appropriate and distinct customs, which have been handed down to them by their ancestors, and which are by them religiously adhered to, and they may be, I conceive, viewed in any light but that of an abject and horrid state of bondage.

21.—What is Hindoo jurisprudence in some points of view but a state of slavery to customs, any deviation from which is punished by being out-casted, and driven from every privilege they religiously value. I do not by this mean to infer, that some amelioration of the state of slavery in Malabar is not to be wished for and highly desirable, but where and how to begin on a system of reform, is a question deserving of the most serious consideration; and I must candidly acknowledge, that I can offer no suggestions on this subject, beyond that of purchasing all slaves sold for arrears of revenue on account of government, and declaring them, and of course their offspring, emancipated and free-born subjects for ever; but this is too partial a measure to be attended with much effect, and this even without taking some corresponding measures for their future subsistence, will be attended, I apprehend, with any thing but beneficial consequences.

22.—In

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22.—In support of the information contained in the documents marked from 2 to 19, I beg to refer your board to the documents marked N° 20 and 21; the first being an extract from Major Walker's report on the tenures of Malabar; the 2d being an extract from the files of the Zillah Court, South Malabar, showing the numbers of certain suits on the subject of slavery, instituted in the course of five years.

Calicut, July 20th, 1819. (signed) *J. Vaughan,* Collector.

N° 1.—Queries addressed to the Mookiestans in the several talooks in Malabar, to obtain information relative to the slaves of the soil.

Query 1st.—How many species of slaves are there?

2nd.—Which of them observe the makatty, and which the maroomakatty?

3rd.—A person can sell, give on otty, peneyam, kanom, or verrom pattom, his lands, together with the slaves attached thereto; but can he sell or transfer his slaves separate from the land? If so, state the particulars.

4th.—State the name of the deeds that are executed on the occasion of selling and transferring the chermakel?

5th.—What is the amount that a good cherman will fetch by being sold, and what by transferring on otty, kanom, paneyam; what would a less active cherman, a cherman boy, a good chermy, a less able chermy, and a chermy girl, respectively fetch on being sold or transferred on the same tenures?—and what pattam would each of the above described chermakel yield, noticing at the same time the difference originating from the difference of their caste, and the difference between their value in general in former and present times?

6th.—After a person may have sold or transferred, in the manner above described, his chermakal to another, can he, as the original proprietor, have any claim upon them?

7th.—When a cherman takes the chermy of another proprietor for his wife, is it customary for the owner of the chermy to give anything to the cherman, or for the latter's master to give any thing to the chermy? If so, who is it that must give it, and what is to be given?

8th.—When division of children born from chermakel take place, is any writing passed between the parties? If so, how is it called?

9th.—Are chermakels given on verrom pattom? If so, what is the amount of the pattom; and if any deed is executed on the occasion, how is it called?

10th.—What are the works required to be performed by the chermakels?

11th.—Suppose a cherman belonging to a person in possession of property, and has works of his own to do, is he obliged to go and work for his proprietor?

12th.—If a cherman be desirous of returning to his master the amount that he cost him, and thereby be free from slavery, will his master receive the cash, and free the cherman.

13th.—When a cherman commits any fault, or be caught after he may have run away, how was he punished in former times, and how would he be punished now?

14th.—From what period did the practice of selling and purchasing chermakel obtain?

15th.—For what purpose are chermakel sold and purchased?

16th.—What is the original caste of the chermakel, whose slaves were they formerly, and how comes it that now almost every body has slaves?

(True translation.) (signed) *J. Vaughan,* Collector.

N° 2.—Answers to the Queries relative to the slaves of the soil, given by the Mookiestans of the Cavay talook.

Answer to Query 1st.—There are six species of chermakel in this talook, and they are called karenbalen, marvilawen, taloomavilaven, peringale wettowan, poolean, and parrayen.

2nd.—The karembalen, mavillaven, peringale wettowan, palean, and parrayen, descend by Maroo Makatty, and the taloo mavilaven by Makatty.

3rd.—Chermakel are sold, given on konom otty, paneyam, and verrom pattom, both along and separate from the lands to which they may be attached.

4th.—Four species of premanums are in use, and they are termed jerama karoonom, otty karoonom, paneya karoonom, and verroom pattom chit.

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5th.—The chermakel of the karembalen, mavilamen, and perengole wettowan tribe, who descend by Maroomakatty, are not given on jenmon, but on otty; they are at the following rate:—A good cherman of any of the three tribes above-mentioned, will fetch from 100 to 200 fanams, and a less able one from 50 to 100 fanams. The jemn value of a good chermy of any of the three tribes above-referred to is 300 fanams, and that of a less able one, from 50 to 200 fanams, or agreeably to the individual worth of each; but chermies of that tribe are not subject to be given on otty and paneyan, nor are their children (of both sexes) to be sold separate from their mothers. The jemn value of a good cherman of the tolooma-vilaven tribe is 300 fanams; otty, 200 fanams; panyam, 150 fanams; the jemn value of a less able one, 150 fanams; otty, 100 fanams; chermy of that tribe, is not subject to be sold or given on otty; the jemn value of a good cherman of either the pooliar or parrayen tribe is 60 fanams; otty, 100 fanams; and the jemn of a less able one is 50 or 40, or 30 fanams, according to his age and real worth. The jemn value of a less good chermy of either of those two tribes is 200 fanams, and that of a less able one is calculated in reference to her age and merits, say 100, 50, or 30 fanams; but chermies of those tribes are not given on any of the other tenures, nor are their children sold separate from their mother, but together. The jemn value of one may be taken from 10 to 20 fanams. The pattom of a good cherman and his chermy of the tooloma wilaven tribe is 100 dangolies of paddy, and that of a single cherman, 50 dangolies; the pattom of a less able cherman, say aged from sixteen to twenty years, is 30 dangolies of paddy. The pattom of the chermakel of the tribes termed karembalen mavelaven and peringal wettoowan, who descend by Maroo Makatty, is the same as that of the tolamavilaven above mentioned. The pattom of a cherman of the poliar tribe is 60 dangolies of paddy, and that of a less able one from 25 to 30 dangolies. There is no difference between the present and former prices.

6th.—When a cherman is given on jemnon or kanom, the original proprietor will derive no benefit whatever.

7th.—It is not practised that the cherman's master should give anything to the chermy whom his cherman may take for his wife, nor for the chermy's master to give anything to the cherman of the children born from chermakal, who descend by Makatty; the male becomes the property of the proprietor of the father of such children, while both the male and female children born from chermakel, descending from Maroo Makatty, go to the proprietor of the chermy, their mother.

8th.—No division whatever is used to be made in this district of the children born from a chermy.

9th.—Chermakel are given on verroom pattom. The proprietor will in such case enjoy the pattom stipulated in the pattom chit, passed on the occasion of the transfer; the particulars of the pattom has been fully explained in answer to query 5.

10th.—They are employed in preparing the fields, collecting manure, fencing, and such other works connected with agriculture.

11th.—Although a cherman may be possessed of money, he is obliged to work for his master.

12th.—As the proprietor of a cherman is the person who will inherit whatever property his cherman may be possessed of at his death, he (the proprietor) will not receive the amount his cherman may have cost him, and grant his liberty.

13th.—Formerly, when a cherman committed any fault, or was caught after his desertion, he would be flogged and put in the stocks; at present the corporal punishment afflicted is but of a lenient nature.

14th.—From time immemorial.

15th.—When the proprietor finds himself in want, he disposes of his chermakal by sale or transfer on kanom.

16th.—We are not aware of these points.

Signed by seventeen persons.

(signed) *Mavilakanen*, Tahsildar.

N° 3.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookeistans of the Cherical Talook.

Answer to query 1st.—Three; viz. Poliar, Oratty Poliar, and Parcar.

2d.—All three observe the Maroomakatty.

3d.—It is usual to sell and give on otty, kanom, paneyam, and veroom pattom slaves, unaccompanied by the lands to which they may be attached.

4th.—Four

4th.—Four sorts of deeds are used, and are termed as follows: jem olla, otty olla, kanom olla, and pattom olla.

5th.—At present, a good cherman would fetch 100 silver fanams; he is transferrable on otty for 70 silver fanams, on kanom and paneyam for 50 fanams; a less active cherman's jenm value is 75 fanams; when transferred on otty he would fetch 40 fanams, on kanom 35 fanams; a good cherman boy's jemn value is 30 fanams, and that of a less able one, 20 fanams. It is not usual to transfer cherman children on otty, kanom and peneyam; a good chermy's jemn value is 125 fanams, It is not usual to transfer chermies on otty and kanom, but on paneyam it is, when she would fetch 60 fanams; a less active chermy's jemn value is 75 fanams, and she is transferable on paneyam for 40 fanams; a chermy girl's jemn value is 40 fanams, and a less able one's, 25 fanams; chermy girls are not disposable under any other tenures; a good cherman will yield an annual pattom of five fanams, and a less active one, three fanams; cherma and chermy children are not given on pattom; formerly, the jemn value of a good cherman was 60 fanams, otty, 30 fanams, and kanom and paneyam, 20 fanams; a less active cherman's jemn value was 25 fanams; by giving on otty, he would fetch 15 fanams, kanom, 10 fanams. The value of cherma children has not undergone any difference; a good chermy's jemn value was formerly 80 fanams; kanom, 40 fanams; and a less able chermy's jemn value 40 fanams, and paneyam, 25 fanams; chermy children were not disposable in former times. The pattom, in former times, of a good cherman, was three fanams; no ill able cherman, children, or chermy, were given on pattom. The value of all the three castes of cherman is the same.

6th.—If he sells his jemn right, he forfeits all claim or title whatever; if transferred on kanom otty and paneyam, he can redeem them on paying the amount for which they had been so tranferred; on giving an verroom pallom, he would get annually five fanams for a good cherman, and three fanams for a less active one.

7th.—When the cherman takes the chermy of another proprietor, he is to give two fanams to the chermy's master, and to wait upon him, accompanied by the chermy, and offer him a mat and a basket; all the children born from them go to the proprietor of the chermy.

8th.—No division whatever being made, no writing is used.

9th.—Chermakel are given on verroom pattom; a good cherman would yield five fanams (silver), and a less active one, three fanams; pattom olla for five years, is the deed passed on the occasion.

10th.—They work in the fields, and plough the gardens.

11th.—Although he may be possessed of money, he must work for his master.

12th.—This practice has never obtained; the proprietor will not receive the cash, and free the cherman tendering the same.

13th.—In former times he would be bound and flogged, and even shut up; but now a reprimand is all that would be passed.

14th.—From time immemorial; we do not know the exact epoch.

15th.—When a person is in want, and has no other property to dispose of, he would dispose of his chermakel; and those in want of them for cultivating the fields would purchase them.

16th.—This species of people were brought into this keroola country from the paradishoowarom; they were originally the Adiars of the Bramins, who from necessity transferred them to the Devassoms, and by them they were, on the same grounds, sold to others, and thus Adiars became generally possessed at last.

(Signed by four persons.)

(signed) *Komapan*, Tahsildar.

N° 4.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookeistans of Rottiot, Randatarrah, Tellicherry and Irvenaad.

Answer to query 1st.—There are four species of slaves, and they are called Polean, Panean, Mavillon and Karimbalen.

2d.—The slaves of the Polean, Mavellan and Karimbalen tribe, descend by Maroomakattay, and the Pancan by Makatty.

3d.—It is customary to sell, give on otty, kanam, paneyam, and verrom pattom, chermakel both along and separate from the lands to which they may be attached.

4th.—Five species of premanams are used on the occasion of selling and purchasing the chermakel, and they are termed as follow: When given on payneam, "a paneyam olla;" where on verrom pattom, "a verrom pattom olla;" when an otty, "a otty olla;" when on atty perr, a "atty perr-olla."

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5.—Previous to the year 940, the jemn value of a good cherman was 40 silver fanams, otty 30 fanams, kanom 20 fanams, and paneyam below 20 fanams. The value of a less active cherman and cherman boy, was below the prices above enumerated; and much depended upon the circumstances of the seller and purchaser. The jemn value of a good chermy was 30 silver fanams, otty 22 fanams, kanum 15 fanams, and paneyam below 15 fanams. The value of a less able chermy and chermy girl, was below the prices just mentioned, they depending entirely upon the disposition of the seller and purchaser. The pattom of a good cherman was 10 fanams per annum, that of a less able one seven fanams, that of a cherman boy five fanams, and of a good chermy's seven fanams, of a less able one's five fanams, and of a chermy girl's, three fanams. The above prices apply to all sorts of chermakel. The present jemn value of a good cherman is 120 fanams, and in proportion to this, may be calculated the value of the other tenures.

6th.—When the jemn right is sold, the original proprietor has no claim whatever, when given on otty, the cherman is redeemable on paying the otty fanams; when given on kanom, the proprietor is entitled to the pattam, after deducting therefrom the interest of the kanom fanams; when given on paneyom, the pattam, after deducting the interest of it (pattam) is payable to the jemnaker. This is the prevailing custom.

7th.—It is not practised in this talook, that the cherman's proprietor should give any thing to the charmy or *vicé versa*. The children born from the tribe called paneyam are divided, half to the mother's proprietor, and half to that of the father. This practice does not prevail with the other three tribes.

8th.—No document is passed on making the division.

9th.—Chermakel are given on veroom pattam. A cherman would yield 10 fanams per annum, and the document used on the occasion, is termed " Verroom Pattam Olla."

10th.—They are employed in all the works connected with agriculture, as well as in works performable by coolies.

11th.—Although a cherman may be possessed of property, and has works of his own to perform, he must work for his master.

12th.—It has never happened that a cherman has tendered to his master the amount he cost him, to be free from slavery; nor will the proprietor ever grant such a request.

13th.—In former times, when a cherman committed any fault, or be caught after having run away, the master of the cherman would punish him in such manner as it would please him, provided he does not deprive him of life; at present the punishment inflicted is but of a lenient nature.

14th.—It is a practice that has been prevailing since of old, and we are not sure of the precise time since which it had obtained.

15th.—They are purchased for agricultural purposes, and sold by those in want.

16th.—This species of mankind have been existing from time immemorial; we are not therefore aware whose adiars they originally were. The practice of selling and purchasing them having prevailed since of old, every one became possessed of them.

(Signed by six persons.)

(signed) *Komapen*, Tashildar.

N° 5.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookiestan of Kartenaad talook.

Answer to query 1st.—In this talook only one species of slave is known to exist; viz. the Polcar.

2d.—The Polkar caste descend by Makattay.

3d.—It is not practicable in this talook to sell or transfer on otty kanom and paneyam, lands accompanied with the chermakels attached thereto, but it is usual to dispose of the chermakel on either of the tenures aforesaid, separate from the lands.

4th.—If the jemn right is sold, an otty per olla, an otty olla are executed; when given on otty, an otty premanam; on kanom, a kanam premanom; on paneyan, a paneya premanam, and when on pattom, a pattommoory premanom is passed.

5th.—The annual pattom of cherman is 10 dangalies of paddy, no difference being observed between the good and less active. The jemn value of a cherman is 40 silver fanams, otty 20 fanams, and kanom something less than the last sum; when a cherman is given on a kanom, not exceeding 15 fanams, the jemnakar is entitled

entitled to 2½ dangalies of paddy, after deducting the interest of the kanom, which is calculated at half the usual rate only; a cherman can be given on eight or ten fanams paneyam, and he is redeemable on the repayment of the paneyam fanam, but neither the pattam or interest is to be demanded by either of the parties respectively. But the above is very seldom practised in this talook; when a chermy is given on jemn or otty, kanom and pattom, no interest of the money is calculated. The jemn price of a chermy or kanom and otty, are the same as that of a cherman. When a chermy is given on patton, the patton receivable for her is five dangalies of paddy. The above is both the former and present price. It is not usual to sell the jemn right of a cherman boy or girl, or to give them on otty, kanam, or pattom, before they are old enough to work.

6th.—If the jemn right be sold, or if given on otty, the proprietor will derive no benefit; when given on kanom, he will get the balance of pattom, after deducting the interest of the kanom, at the rate of ½ dangalie of paddy, for one silver fanam. Previous to the year 966 it was practised, that when the chermakal of a person go without the consent of his master, and work for another person, the original proprietor should receive three dangalies of paddy, as a talla pattom, for a kooddy, or pair of chermakal monthly, but at present the custom is abandoned.

7th.—It is usual for a cherman to take the chermy belonging to another proprietor, with and without the proprietor's knowledge; when taken with the proprietor's knowledge, the cherman is to give him two silver fanams, and when taken without his knowledge, nothing is of course given; children born from a chermy, taken with the knowledge of the proprietor, are divided as follows; 1st. to the father, as his tandakoor, and the remaining to his chermy's master; and children born from a chermy, taken without her master's knowledge, are all to go to the owner of the chermy, and none to the cherman or his owner.

8th.—When divisions of the kind take place, the parties exchange a premanam which is called pashooty ollah.

9th.—Yes, they are; a cherman would yield an annual pattom of 10 dangalies of paddy, and a chermy of five dangalies. The deed executed on the occasion is termed pattom moorry.

10th.—They are caused to plough and prepare the fields, their owners have nothing else to employ them on.

11th.—He is obliged to work for his master, notwithstanding he may have his own works to perform.

12th.—It is not practised to receive the cash a cherman may tender, and to grant him his liberty.

13th.—In former times he would be bound, flogged and otherwise punished, at present reprimand is all that would be passed.

14th.—We are not sure from what period the practice has obtained. We heard that it has been allowed from time immemorial.

15th.—When the proprietors are in want, they dispose of their chermakal, and those in want of them to carry on their cultivation, buy them.

16th.—We don't know.

(Signed by three persons.)

(signed) *Koonda Menon*, Acting Tahsildar.

N° 6.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookistan of Koormenaud Talook.

Answer to query 1st.—Only two tribes of chermakal exist in this talook; viz. Poola and Kattady Chermakal.

2d.—Both of the tribes just mentioned descend by Maroomakatty.

3d.—It is usual to sell, give on otty kanom, and verroom pattam slaves, unaccompanied with the lands to which they may be attached.

4th.—The three species of deeds executed, as occasion may require, are termed otty karoonom, kanom premanam, jenmon karoonom.

5th.—The jemn value of a good cherman is 40 old fanams, otty 20, and below that sum kanum. If by "paneyam," it is meant "cheny paneyam," we have to state that adiars are not given on this tenure. The jenm value of a less able cherman is 30 fanams, otty 15, and kanom below that; as no pattom can be fixed for a cherman boy, his jemn value is regulated according to circumstances. Jemn value of a good chermy is 25 fanams, otty 15 fanams, and kanom below the latter sum, and the jemn value of a less able one is 20 fanams, otty 10 fanams, and

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kanom below that sum. Chermy girls' jemn value is fixed agreeably to the valuation that may be set upon her, as no pattom can be fixed for her until she is well able to work. The pattom of a good cherman is 20 dangalies of nelly per annum; of a less able one 15 dangalies; of a good chermy's 10 dangalies; and of a less able one's 7½ dangalies, no pattom being derivable for cherma boy or girl. The difference between the former and present price arises chiefly from the circumstances of the persons disposing of their slaves, and of those purchasing them.

6th.—When given on kanom, the pattam remaining, after deducting the interest, is the benefit due to the proprietor, save that he has no other. When given on otty, the chermakal are to wait upon their proprietor on the occasion of the Onom and bisher feasts, and tender to him mats and baskets, and receive in return a dangalie of paddy each.

7th.—When cherman takes the chermy belonging to another proprietor for his wife, he is to tender to the proprietor of the said chermy two fanams, which offering is termed "tamboozan penam;" of the children born from such a chermy, the first born only becomes the property of the cherman's father; but should only one child be born from them, the value of it is to be distributed between the two proprietors in equal shares.

8th.—No document is passed when division of the kind just stated takes place.

9th.—Chermakal are given on verrom pattom, and the pattam is fixed in reference to the ability of the cherman, but it never exceeds 20 dangalies of paddy. No document was passed on such occasion formerly, but at present a pattom moorry is executed, by which the renter undertakes to pay annually to the jemnakur the stipulated pattom.

10th.—They are only employed in all works connected with agriculture.

11th.—Although he may be possessed of property, and have works of his own, he must work for his master.

12th.—It has never been heard that a cherman tendered to his master the amount he cost him, and that the same has been accepted, and the cherman freed from slavery.

13th.—Formerly, when a cherman was convicted of any fault, or be caught after running away, he would be flogged, and when convicted of any crime punished according to its magnitude; at present if he would commit any fault he would be punished, but crimes are not punished now as they used to be prior to 966.

14th.—The practice of selling and purchasing chermakal have prevailed since of old; we cannot say when it obtained.

15th.—Want compels the proprietors to dispose of their chermakals, and they are purchased by those who have cultivation.

16th.—We are uninformed as to what was the original caste of the chermakal, and whose adiars they formerly were, as the traffic is uncontroled every one became possessed of adiars.

(Signed by ten persons.)

(signed) *Ramarakutty*, Acting Tahsildar.

N° 7.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookistans of Eddanaddassakoor, Koorroombala Oroonanoor, Wynaad, and Parakamitil Hobelies in the Wynaad District.

Answer to query 1st.—There are five species of slaves, and they are called Parier, Addian, Polean, Moopan snd Naiken.

2d.—All the five sects above mentioned descend by Makattay.

3d.—The paneers or slaves are sold or transferred on kanom, otty, paneyam and verroom pattom, both along and separate from the fields to which they may be attached.

4th.—When they are sold or transferred on any other tenure, the documents passed on the occasion are termed jenmon premanom, otty premanom, and parceyatolla karoonum, as the case may require.

5th.—The jemn value of a good panian, as well as a good addian, is 30 rupees; otty, 27½ rupees; kanom, 15 rupees; and the jemn value of a less able one of either tribe is 20 rupees; otty, 17½ rupees; kanom, 10 rupees; and paneyam, eight rupees. The jemn value of children (male) of those sects is 12 rupees. The jemn value of a female slave of any of the two tribes above mentioned, as well as of their female children, is three rupees and 80 reas. The pattom of a good cherman of any of the two sects above mentioned is three padies of paddy; that of a less able

able one, two padies; that of a boy, one paddy; and that of a female of those sects is also one paddy. The jemn value of a good slave of the Moopan and Naiken tribe is 64 silver fanams; Otty, 52; Kanom, 30; and Verroom Pattan, four silver fanams, but the females of those tribes are not given on Pattom or by sale. The jemn value of a good Poolean slave is 12 rupees; Otty, 10 rupees; and Kanom, six rupees; and the jemn value of a less able one eight rupees; Otty, six rupees; Kanom, four rupees; and Verrom Pattom, one paddy of paddy. The value of a good Panian and Addian might be said to have increased now by five rupees above the old price, but that of the Naiken Moorpan and Poliar continues still the same.

6th.—The proprietor will enjoy no benefit if he transfers his slave on any other tenure but pattom, when he will receive annually the rent that may be stipulated.

7th.—When a slave of either the Panier Addian or Polean tribe takes a female slave belonging to another person for his wife, the proprietor of the cherman should send to that of the chermy four silver fanams through his cherman, and the children born from such people are set a valuation upon, and the amount distributed between the proprietors; but this practice does not exist in the Wynaad, Parrakamattil, and Edonassakoor Hobliesie; *i. e.* that the proprietor of the female, or mother of the children, has no right upon her issue.

8th.—When the division above noticed is made, the document passed on the occasion is termed parkatire premanom.

9th.—They are given on veroompattom, and the amount a slave would yield is three padies of paddy. The deed executed on the occasion is termed pattom moorry.

10th.—They are employed in all agricultural works.

11th.—It is hardly heard that any slave has been possessed of property, from which he could derive his means of subsistence; whatever little property they may be possessed of is the right of their master, for whom they must, under all circumstances, work.

12th.—The proprietor will not accept of such a tender, and free the slave.

13th.—Formerly he would be flogged, put in stocks, and his nose cut off, according to the nature of the fault; at present, the practice of cutting off the nose does not at all exist.

14th.—The practice of selling and purchasing slaves has been in existence from time immemorial.

15th.—For the purpose of agriculture.

16th.—We are not sure of the origin of their caste, nor whose Addiars they originally were; they are now possessed by all, because they can be purchased and sold.

(Signed by five persons.)

(signed) *Raripanambiar*, Peshkur.

N° 8.—Answers to the Queries relative to the Slaves of the Soil, given by the Mookiestans of the Ellornaad and Nelloornaad, Hobilies in Wynaad.

Answer to query 1st.—There are but two species of slaves in these hobilies; they are designated Panier and Addjar.

2d.—The said two species of slaves descend by Makattay.

3d.—It is allowed to sell, give on otty, kanom, and paneyam slaves, both along and separate from the lands to which they are attached.

4th.—The documents passed, as the case may require, are called jenmon premanam, otty premanum, kanom premanom, and paneyatolla karoonom.

5th.—The jenm value of a good chermon of either sect is 30 rupees; otty, 27½ rupees; kanam, 15 rupees. The jenm value of a less able one, 20 rupees; otty, 17½ rupees; kanam, 10 rupees, and paneyam, 8 rupees. The jenm value of a boy is 12 rupees; that of a chermy and a chermy girl is 3 rupees and 80 reas each. The pattom of a good cherman is 3 podies of paddy; that of a less able one, 2 podies; that of a boy, 1 paddy, and that of a chermy and a girl, 1 paddy each. The present price may be said to be 5 rupees over and above the former price.

6th.—The proprietor of a cherman will enjoy no benefit, if he transfers his cherman on any tenure; but when rented, he will be entitled to the pattom.

7th.—The proprietor of the cherman should send to that of the cherny, on the occasion of the marriage of their respective slaves, 4 silver fanams; and the children born from them are to be set a valuation upon, and the amount divided between the two proprietors.

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8th.—The document passed on the occasion of such division is termed pashoo-tatire premanom.

9th.—They are given on verroom pattom, at 3 podies of paddy a year each cherman, and the document passed on the occasion is termed pattam moorry.

10th.—They are employed on all agricultural works.

11th.—They are almost never possessed of property; if they have any trifle, their master will take possession of the same, whom they must at all events work for.

12th.—The proprietor will never accept the cash that may be tendered by a slave of his, and grant his liberty.

13th.—Formerly he would be flogged, put in stocks, and his nose cut off; but at present the latter mode of punishing is never resorted to.

14th.—From time immemorial.

15th.—For agricultural purposes.

16th.—We are not informed on these points.

(Signed by four persons.)

(signed) *Raripen Nambiar*, Peishkur.

N° 9.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookestans of Mooloorhaad, in Wynaad.

Answer to query 1st.—In this kobely there is but one sort of slaves, called Panear.

2d.—The above sect descend by Makattoy.

3d.—It is usual to sell, give on otty, kanom, paneyam, and verroom pattam, slaves, both along and separate from the lands to which they may be attached.

4th.—The deeds passed, as occasion may require, are termed jenm premanom, otty premanom, and paneyatolla karoonum.

5th.—The present jenm value of a cherman is 40 rupees; otty, 32 rupees; kanom, 20 rupees; paneyam, 15 rupees, and the jenm value of a less able one is 24 rupees; otty, 20 rupees; kanom, 12 rupees, and paneyam, 8 rupees. The jenm value of a boy is 12 rupees, and that of a chermy and chermy girl is 3 rupees, and 80 reas. The pattom of a good cherman is 3 podies of paddy; that of a less able one, 2 podies; that of a boy, a chermy, and a girl, 1 paddy each. Except the above tribe, no other exists in this hobly. Formerly, the jenm value of a good cherman was 120 new gold fanams.

6th.—The proprietor of a cherman will reap no benefit when he gives the cherman on any tenure, except the verroon pattom, when he will receive the pattom that may be settled.

7th.—When a cherman wishes to have a chermy of another proprietor for his wife, his master should send through him to the chermy's master 4 fanams, and the children begotten from them are to be divided between the two respective proprietors.

8th.—The document passed on the occasion of such division is termed pashooattiry premanom.

9th.—They are given on veroon pattom, at 3 podies per year, and a pattom moorry is the document passed on the occasion.

10th.—They are employed in all works connected with husbandry.

11th.—It is but very scarce, that a slave is possessed of property by which he can maintain himself; any property he may be possessed of, his master has a right to; he must work for his master.

12th.—It has never been usual to receive the cash a slave may tender, and grant him his liberty.

13th.—He would be seized and flogged, put in stocks, and his nose cut off, according to the magnitude of the fault he may have committed; at present, the practice of cutting off the nose has been entirely abandoned.

14th.—The practice of selling and purchasing slaves has been in existence since of old.

15th.—For the purpose of carrying on cultivation.

16th.—We are not sure of the origin of the chermakel, nor whose adears they formerly were. They have been possessed by all, because they can be sold and purchased at pleasure.

(Signed by four persons.)

(signed) *Raripanambiar*, Peishkur.

(N° 10.)—Answer to the Queries relative to the Slaves of the Soil, given by the Mookistans of Calicut Talook.

Answer to query 1st.—Three, Poola Cheroomakal; 2d, Kallady, and 3d, Ranakan.

2d.—The Cheroomakal descend by Makattay, but as their issue is divided, they observe the Maroomakattay also. The Kanakans descend by Makattay. The Kalladdies also by Makattay, but at some places their offspring are subject to division, in which case they observe the Maroomakattay also.

3d.—It is customary to transfer on Veroom Pattom and Otty, or sell the Cheroomakel, unaccompanied with the lands to which they may be attached.

4th.—The deeds generally executed are called Veroom Pattom, Paneyam Panega, Puttom Otty, Attypur Prenamons.

5th.—The jenm value of a good cherman is 48 fanams. He is transferrable on otty for 32 fanams, and for a less sum on paneyam and pattom. A less able cherman is sold or transferred for sums below that above specified, or according to their real worth, but not less than 15 fanams; a cherman boy is worth from ten fanams and upwards, according to his age and abilities. A good chermy is valued at 30 fanams, and transferrable on otty for 20 fanams, and on paneyam and paneyom pattom for a less sum. A less able chermy is sold or transferred for sums less than that the good one would fetch, or rather according to her worth, but never less than 10 fanams; a chermy girl is worth 7 ½ fanams, and upwards, according to her age and capacity. The pattom that a cherman would yield may be calculated from one to three fanams, and that of a chermy from one to two fanams, but it depends entirely upon their respective individual worth. The value and pattom of all the three species of chermakul are the same. The rise and fall in their price always depend upon the circumstances of the persons selling and purchasing them.

6th.—If transferred on pattom, the proprietor is entitled annually to the pattom fanams. If on paneya pattom, to the pattom fanams remaining, after deducting the interest of kanom; and if on paruyom, the interest; if given on otty, the proprietors have no kind of claim; and if sold, he forfeits all right whatever.

7th.—When a cherman or kallady is to take a chermy belonging to another proprietor, the proprietor of the cherman is to furnish him with seven fanams, which he (the cherman) will deliver to the chermy's master, and then conduct away the chermy; and of the children born from them, half is for the proprietor of the cherman, and the other half to the chermy's proprietor; at some places, two-fifths go to the proprietor of the male, and three-fifths to that of the female chermakul; while at others, only one child becomes the share of the chermar's master, and all the rest, that of the chermy's proprietor.

8th.—At some places, when similar divisions take place, a moorry is passed, at others no writing whatever is exchanged.

9th.—It is customary to give chermakul on verrom pattom, and some persons execute moorries, in which the amount of pattom is specified. The rate of pattom has been explained in the answer to the question, No. 5.

10th.—They are required to perform all the work connected with husbandry.

11th.—Although he may have work of his own to do, he must go and work for his master.

12th.—No.

13th.—Both in former and present times he would be bound and flogged, but in a manner that will not cause any material injury to the body. In former times, however, if the fault be of an aggravated nature, he would be put in irons.

14th.—From time immemorial.

15th.—Those in want sell their chermakels, and those who have fields to cultivate, purchase the same.

16th.—The first point can only be explained by Brahmins, for we have no knowledge of their origin. If slaves have been possessed by several persons, it is because the Brahmins sold or transferred them, and because their children are subject to being divided.

(Signed by six persons.)

(N° 11.)—Answer to the Queries relative to the Slaves of the Soil, given by the Mookistans of Betutnaad Talook.

Answer to query 1st.—Four, viz. Errawa Chermakel, Kanaka Chermakel, Poola Chermakel, and Parra Chermakel.

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2d.—The Errawa Chermakel, Kanaka Chermakel, an Parra Chermakel, descend by Mokattay, and the Poola Chermakel by Maroomakaay.

3d.—Chermakals can be sold, given on otty, kanm, paneyam, and veroom pottom, both along and separate from the lands so which they may be attached.

4th.—Six species of permanoms are in use, and they are termed as follow; verrom pattom, paneyam kanom, paluha, maddaka, veppa, and atty perr.

5th.—In former times the jenm value of a good Errawa or Kanaka cherman was 80 old fanams; otty or veppa, 60 old fanams; kanom, 32 old fanams; paneyan, 20 old fanams; verroom pattom, 3 old fanams. The jenm value of a less able cherman, of the above two tribes, was 40 fanams; otty or veppa, 30 fanams; kanoms; kanom, 16 fanams; paneyam, 10 fanams; verroom pattom, 2 fanams. The jenm value of a cherman boy of the above tribes, from 10 to 16 years old, was 30 fanams; otty or veppa, 20 fanams; kanom, 16 fanams; paneyom, 10 old fanams; and verroom pattom, 1 fanam; chermies of the above tribes were never subject to be sold or transferred on any of the tenures above specified. These species of chermy only follow the cherman, who may take her for his wife; and the proprietor of the cherman must furnish his cherman with a piece of cacha, worth 2 fanams, and 6 fanams, that the latter may perform the ceremony, and conduct home his wife, who is to work for her cherman's master; all male children born from them become the jemn property of the father's proprietor.

The jenm value of a good Pool cherman was 48 old fanams, otty 40 fanams, verroom pattom 3 fanams. The jenm value of a less active cherman was 32 old fanams, otty or veppa 24 fanams, kanom 16 fanams, paneyom 8 fanams, verroom pattom 2 fanams.

A cherman boy's jemn value was 24 fanams, verroom pattom 1½ fanam; a good Poola chermy's jenm value was 64 fanams, veppa or otty 48 fanams, kanom 32 fanams, paneyom 24 fanams, and verroom pattom 3 fanams; a less able Poola chermy's jenm value was 40 fanams, otty or veppa 3 fanams, kanom 20 fanams, ponagoon 16 fanams, and verroom pattom 2 fanams; a Poola chermy girl's jenm value was 30 fanams, otty or veppa 24 fanams, kanom 16 fanams, paneyom 8 fanams, and verroom pattom 1½ fanam. The jenm value of a Parrah Cherman was 48 fanams, otty 40 fanams, kanom 24 fanams, paneyom 16 fanams, and verroom pattom 3 fanams. The jenm value of a less active parrah cherman was 32 fanams, veppa or otty 24 fanams, kanom 16 fanams, paneyom 8 fanams, verroom pattom 2 fanams. The jenm value of a Parrah cherman boy was 24 fanams, pattom 1½ fanam; parrah chermy was never sold or transferred on any tenure; at present the several prices might be said to have increased by half or a quarter above the former value; but those in distress do not hesitate to dispose of their chermakal for half or a quarter less than the former price.

6th.—When given on otty perr the original proprietor has no claim whatever; when on otty, the chermakal are redeemable on repayment of the cash; when on kanom and paneyom, the pattom remaining after deducting the interest, is payable to the proprietor.

7th.—When a cherman is desirous of taking for his wife a chermy under the orders of another master, he is to signify his intention to the chermy's master, and presenting him with a bundle of beetle leaves, and 4 arreea nuts, request him for permission for so doing, which, on being granted, he may conduct the chermy to his master's, to whom he should likewise make the same offerings. The proprietor of Kanakam Errawa, and Parrah Chermies, have no claim upon the children that may be born from them respectively, after they may be conducted away in the manner above explained. The children born from a Poola Chermy who may be conducted away also in the above manner, are to be divided as follows;—the first-born child to belong to the father, and all the rest to go to the mother's proprietor. The above is the practice observed in this district.

8th.—No writing whatever is in use.

9th.—When given on verroom pattom they would each yield 2 or 3 fanams; the writing passed on this occasion is called verroom pattom moorry.

10th.—They are employed in preparing and ploughing the fields, cutting wood, fencing, and other works of the kind.

11th.—He must work for his master, who will not consent his working for himself.

12th.—It is not customary to receive cash from a cherman, and grant him his liberty.

13th.—When a cherman was formerly caught after he may have run away, and committed

committed any fault, he would be put in stocks, flogged, and otherwise punished; at present, he would be seized and brought in; but if he should be found inclined to run away again, and refuse working, he would be put in stocks and flogged; those in the habit of running away are secured in stocks.

14th.—From time immemorial; we are not aware of the æra.

15th.—They are sold and purchased for the purpose of agriculture.

16th.—With the exception that the chermakel have been existing as they now do, since of old; we did not hear about their origin. If they are now so generally possessed, it is because the jenmakars sell them to others to supply their wants.

(Signed by 18 persons.)

N° 12.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookiestans of Cloughan Taloók.

1st.—There are five species; viz. Erter, Namboo, Wettowar Kanakar, Poolear, and Parrear.

2d.—The Erruler Namboo Wettoowar Kanaker and Parrear observe the Makattay, and the Poolear the Maroomakattay.

3d.—It is customary to give or dispose of the Chermakal both along and without the lands to which they may be attached.

4th.—The documents executed on the occasion are called jenm, palesha, maddakas paneyam and kanom premanoms.

5th.—The jenm value of a good cherman of the Erraler Kanaker Namboo Wetowar or Parrear caste, was formerly 120 fanams, otty 80 fanams, paneyom 60, and kanom from 20 to 50 fanams. The value of a less active cherman was calculated at half or three-quarters of the value above-mentioned. The jenm value of a cherman boy from 5 to 12 years of age, was from 20 to 50 fanams; but otty paneyam and kanom were to be calculated according to the boy's age, and the standard abovementioned. The chermies of the said four tribes who descend by Makatty, were not subject to be separately sold or purchased, but they follow the cherman who took them for his wife. A good cherman of the Poolear tribes, jenm value was 60 fanams, otty 40 fanams, paneyom 30 fanams, and kenom 20 fanams; and the value in general of a less able cherman was half or three-quarters of the value above enumerated. A cherman boy of that tribe, from 5 to 12 years old, would fetch from 13 to 30 fanams; jenm value, otty, kanom, and paneyom, were to be fixed with reference to the boy's age. A good chermy of the Poolear tribe, which descend by Maroomakattay, was held to be worth as much as a good cherman of the four tribes aforementioned which descend by Makattay; and a less active chermy of the same tribe was worth as much as a less able cherman of the said four tribes. A Poolear chermy girl is worth as much as a cherman boy of any of the 4 tribes. The pattom of a good cherman of any of the four tribes first referred to was 3 fanams, and that of a less able one 1½ or 2 fanams. The pattom of a good cherman of any of the four tribes first referred to was 3 fanams, and that of a less able one 1½ or 2 fanams. The pattom of a good cherman of the Poolear tribe was 2 fanams, and that of a less able one 1½ fanam. A chermy of the Poolear tribes pattom was 3 fanams, and a less able one 1½ to 2 fanams; children never yielded any pattom until they attained the age of 12 years; at present, or since 7 or 8 years past, the value in every respect may be said to have reduced to half or one-quarter of the former value, in consequence of the failings in cultivation, and the reduced state of the people.

6th.—When a cherman is sold, or given on otty and paneyom, he is merely redeemable on payment of the otty and paneyom fanams, but until then the jemakar will enjoy no benefit whatever; when given on kanom, the interest (which is calculated at half out of 10 fanams) is deducted from the pattom, and the remaining pattom go the proprietor.

7th.—If a cherman of any of the four tribes above alluded to take a chermy of another proprietor, the proprietors of either of them are not required to give to the cherman or chermy any thing, but the cherman's master is to furnish the cherman with two fanams, and a piece of casha to perform the ceremony, and the children born from them are all to belong to the cherman's proprietor; the females at liberty to settle for themselves.

8th.—No division whatever is made, much less any writing.

9th.—Chermakel are given on verroom pattom, and they, when given on that tenure, yield one or half fanam more than the amount pattom above-mentioned;

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a chit is passed on the occasion, whereby the verrom pattakar undertakes to cause the chermakel to work, without occasioning any injury to his corporal faculties, and to pay the fixed pattom.

10th.—The chermakal are to work in the wet and dry lands purramba, and do whatever they may be commanded to do.

11th.—It has never been heard that a cherman had been possessed of any considerable property, and had works of his own to perform; it is very rare, when a cherman is possessed of a trifle, and even then he must work for his master.

12th.—No occurrence of the kind has taken place, nor will a proprietor free his cherman that way.

13th.—Formerly, the jenmakar would seize, bind, flog, put him in stocks or irons, or in short, inflict such punishment (without endangering his life) as the magnitude of the guilt might appear to require; at present they are only bound and flogged, and afterwards caused to work, after receiving an admonition.

14th.—We have never heard when the practice commenced, but that it had obtained from time immemorial.

15th.—It is for the purpose of agricultural.

16th.—We are not aware of those particulars.

(Signed by six persons.)

(signed) *Homa Peroombra Nair*, Acting Tahsildar.

N° 13.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookiestans of Shernaad Talook.

Answer to query 1st.—Four; viz. Kalady, Kanaken, Pollean and Parrean.

2d.—The Kallady, Kanaken and Parraen descend by Makattay, and the other (Polear) by Marromakattay.

3d.—Yes, they are separately given.

4th.—When Chermakal are separately given away or sold, the documents passed on the occasion are the paneyayeshitoo, kanom poolisha, maddaka and jemmon premanoms, as the case may be.

5th.—Formerly, the jenm value of a good cherman, of the Kallady or Kanakan tribe, was 75 to 80 fanams; palisha maddaka or otty, (both terms meaning one tenure) 65 to 70 fanams; kanom, 50 to 55 fanams; paneyom, 35 to 40 fanams; at present, the jenm value of a good cherman of any of the two tribes above mentioned is 100 to 110 fanams; but the former value of the other tenures does not much differ from the present; the former jenm value of a less able cherman of any of the two tribes above referred to, was 55 to 60 fanams; otty, 45 to 50 fanams, kanom, 30 to 35 fanams; and paneyom from 20 to to 25 fanams; the present jenm value of a cherman of that description is from 80 to 85 fanams, the value of the rest of the tenures not differing from that of the former years. Formerly, the jenm value of a cherman boy of the above tribes, was 20 to 25 fanams, while at present it is 30 to 35 fanams, as it is not possible to fix the pattam until the boys are able enough to work; they are not given on otty, kanom or paneyom; neither chermy, or chermy girl, of any of the two tribes above alluded to, are subject to be sold or purchased; they are married and taken home by cherman of the same tribe, when the cherman should tender to the father of the chermy a sum not exceeding 10 fanams.

Formerly, the jenm value of a good chernam of the Poolear tribe, was 55 to 60 fanams; palirha maddaka, 45 to 50 fanams; and the present jenm value of a good cherman of that kind is 75 to 80 fanams, the value of the rest of the tenures not varying as yet; the jenm value of a less active cherman of the tribe just mentioned, was 45 to 50 fanams; palisha maddaka, 35 to 40 fanams; kanom, 20 to 35 fanams, and panyam, 20 to 25 fanams, while the present jenm value is 60 to 65 fanams; but the value of the other tenures remains the same still; a cherman boy of the same tribe would fetch formerly 30 to 35 fanams, but now he will only be had for 35 to 40 fanams (jenm value), and not subject to be given on any of the other tenures, until well able to work; the jenm value of a good chermy of the Polear tribe, was formerly 70 to 75 fanams; palirha maddaka, 60 to 65 fanams; kanom, 40 to 45 fanams; and panyam, 25 to 30 fanams; but the present jenm value is 100 and 110 fanams, though the value of the other tenures stand the same; the former jenm value of a less able chermy of that tribe, was 60 to 65 fanams, and the present is 80 to 85 fanams; but there does not exist any great difference between the value of the other tenures of a good and less able chermy; a chermy girl was formerly

formerly value at 30 to 35 fanams (jenm value), and now it has increased from 40 to 45 fanams; but they are not transferrable to any other tenure until well able to work.

Formerly, the chermakal of the Parraen caste were hardly sold or purchased; on the contrary, they were considered at liberty to leave their master when they pleased; at present, however, they are (but very seldom) sold; a good cherman's jenm value being 65 to 70 fanams, but they are not transferrable on otty kanom, paneyam, or verrom pattom; a good cherman of either the Kallady Kanakon or Polean tribe, would yield an annual pattom of three fanams and three parrahs of paddy; and a good chermy of either of the three tribes, two fanams or two parrahs of paddy; a less able cherman, the same as the latter mentioned amount, while a less able chermy would only yield one fanam, or one parrah of paddy; pattom is not fixed on cherman boy or girl until they are considered able to work. It must also be added, that in some deshums in this talook, the rates and rules above ex- differ a little from one another.

6th.—When given on jenm, the original proprietor has no claim whatever; when on palesha maddaka, all the male children born from such a cherman, as well as the cherman himself, are to go back to the proprietor on his paying the amount received by him; when given on kannom and paneyam, the proprietor is entitled to the pattom after deducting therefrom the interest, as also to the male children born from such a cherman. The proprieter of a Pooliar cherman has, however, a right to both the male and female children that may be born from such cherman, when given on any of the three tenures just referred to.

7th.—When a cherman takes a chermy for his companion, either the cherman or the chermy's father ought to tender an offering of two fanams to the chermy's proprietor; but it is not practised that the cherman's proprietor should give any thing, nor are the children born from such a cherman and chermy subject to any division, they belonging to the cherman's proprietor.

8th.—Neither a division or any consequent document is in use.

9th.—They are given on veerom pattom. A good cherman of any tribe would yield three fanams; a less able one, two fanams; a good chermy, two fanams; a less able one, one fanam. The document used on the occasion is termed "veerrom pattom karroonum," but some persons only pass a key yeshatoo (simple writing.)

10th.—They are employed in all kinds of manual works connected with husbandry.

11th.—He must work for his master, but some (very few though) allow their charmakal to work exclusively for themselves, on paying to the proprietor the usual pattom.

12th.—It is not practised to receive the cash and free the cherman.

13th.—Formerly, when a cherman was convicted of any fault, he would be flogged, and when caught, after having run away, put in stocks or irons; at present, the utmost punishment that is considered proper to be inflicted is flogging.

14th.—We are not aware when the practice of selling and purchasing slaves commenced, but it has been prevailing since of old.

15th.—Distress often compel the proprietors to dispose of their chermakal, and those who have cultivation purchase them.

16th.—We are not aware as to the origin of the chermakal caste. They became Adiars because they are liable to be sold.

(Signed by five persons.)

(signed) *Runhen Nair*, acting Tahsildar.

N° 14.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookiestans of the Ernaad Talook.

Answer to query 1st.—Six; viz. Polear, Rolera, Kanakar, Aller, Panyer, and Koproower.

2d.—The Polear descend by Makattay, and the rest by Maroomakattay.

3d.—When given away along with the lands on kanom and pattom, they will be mentioned in the premanom passed for the lands. They are, however, separately sold, given on otty, kanom, paneyam, and verrom pattom. In the answer to the 5th question, this point will be treated more at length.

4th.—Permanoms are to be passed on all occasions agreeably to the tenure of the transfer. They are termed paneyom, kanom, palishmadaka or otty, atti-pur.

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These premanoms have been in use since of old, but now they are not strictly observed.

5th.—The jenm value of a good Poola cherman is 100 fanams, otty 80 fanams, kanom 60 fanams, paneyom 40 fanams; the jenm value of a less able Poola cherman is 60 fanams, otty 50 fanams, kanom 40 fanams, paneyom 30 fanams. The jenm value of a good Poola chermy is 16 fanams, otty 80 fanams, kanom 60 fanams, paneyom 40 fanams; the jenm value of a less active Poola chermy is 120 fanams, otty 60 fanams, kanom 40 fanams, paneyom 30 fanams. The value of a Poola cherman boy and Poola cherman girl is calculated agreeably to their respective age and ability, and in conformity with the value of a Poola cherman and chermy. The jenm value of any of the other five tribes of cherman, that is of a good cherman, is 160 fanams, otty 100 fanams, kanom 80 fanams, paneyom 60 fanams; the jenm value of a less active cherman of any of the above tribe is 140 fanams, otty 80 fanams, kanom 60 fanams, paneyom 40 fanams. It is not, however, intended to say that a cherman or chermy of any of the six tribes above referred to may not be had for more or less than the prices above enumerated, from age or individual ability. No chermy of any of the five tribes last mentioned will be sold or given on kanom. The owner of the cherman will furnish cherman with the cash that he may marry and bring home his wife.

6th.—If agreeably to the premanom that may be passed, the jenmokar be entitled to any rent, he will of course receive the same, with the exception when slaves are given on otty-peer, when they are redeemable, when the jenmokar repays the cash he may have received for them, upon any of the three other tenures.

7th.—A cherman of the Poola tribe may have intercourse with a Poola chermy belonging to another proprietor, but it has never been usual with the proprietor of the chermy to allow her to be taken away by the cherman. The cherman of any of the other five tribes can marry and take home a chermy, on his master furnishing him with cash for so doing, and all children born from them will belong to the owner of the cherman.

8th.—It is not practicable in this talook to make any division, either in favour of the father or the mother, much less is any document used.

9th.—It is customary to give chermakal on pattom, a kooddy of chermakal of any of the six tribes above alluded to would yield 10 parrahs of paddy annually; a kooddy of a less able chermakal would fetch as far below as four parrahs; a good Poola chermy would yield a pattom of eight parrahs, and a less able one as far below as two parrahs.

10th. They are required to perform all work connected with husbandry.

11th.—He is obliged to work for his master, though he may be possessed of property.

12th.—It is not customary to grant a cherman his liberty.

13th.—Formerly, when a cherman had committed any fault, or had ran away, he would be bound, flogged, and if the crime was of an aggravated nature, put in stocks or irons; at present they are not put in stocks or irons, but corporal punishment is inflicted; when they commit any crime they are delivered up to the circar.

14th.—From time immemorial; we cannot ascertain the exact period.

15th.—When jenmakars find themselves in want, they dispose of their chermakals to persons who are in want of them to carry on cultivation; without whom it will not be possible to conduct the cultivation.

16th.—We have heard, that when Shree Parooshwaramon had established this Kerrala country, the Brahmins represented to him that they had not people to perform the manual part of business attending agriculture; when Shree Parooshwaramon brought Weddars from Imawel Parshewa, and distributed them to the Brahmins.

(Signed by 15 persons.)

P. S.—As, in this reply about the pattom, we have not particularized the pattom that a cherman of each tribe would respectively yield, we now subjoin the particulars; viz.

A Poola cherman would yield 4 parrahs.
D° - - chermy - - - d° - - 5 d°.
A Kooddy of Kunakari and Rolar, 5 d°.
D° - - of Koorrowan - - d° - - 6 d°.
D° - - of Allari - - - - d° - - 6 d°.
D° - - of Paneyen - - - d° - 10 d°.

When

When the chermakals of any of the above tribes are not good and active, the pattom they would fetch will fall short of the quantum above specified.

(Signed by the 15 persons already entered.)

(signed) *Helloo Addindy*, Tahsildar.

N° 15.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookustans of the Walloowanaad and Kawalpara Talook.

Answer to query 1st.—Three; viz. Errala, Kanaken, and Poleam.

2d.—The Errala and Kanaka Chermakel descend by Makattay, and the Polean by Maroomakattay.

3d.—Chermaks can be sold, given on otty, paneyom, veroom pattom, unaccompanied with the lands to which they may be attached.

4th.—When chermakuls is sold, deed passed on the occasion is termed otty perr.

5th.—Formerly the jenm value of an able cherman, of either the Errala or Kanakan tribe, was 90 fanams, otty 60 fanams, kanom 40 fanams, paneyom 45 fanams; and the jenm value of a less active cherman was 60 fanams, otty 40 fanams, kanom 20 fanams, and paneyom 30 fanams. The jenm value of a cherman boy 30 fanams; they were not transferable on otty or kanom, but when given on paneyom, a boy would fetch 15 fanams. The jenm value of a good Poola cherma was 60 fanams, otty 40 fanams, kanom 25 fanoms, and paneyom 30 fanams. Jenm value of a less able Poola cherman was 40 fanams, otty 30 fanams, kanom 15 fanams, paneyom 20 fanams. The jenm value of a cherman boy of that tribe was 20 fanams, paneyom 10 fanams; but he was not transferable on otty or kanom. The chermies of the Errala and Kanaka tribe were not subject to be sold; but when taken in marriage by a cherman, the proprietor of such cherman should cause to be given to the chermy's fathers 5 fanams. The jenm value of a good Poola chermy was 75 fanams, otty 50 fanams, kanom 30 fanams, paneyom 35 fanams. The jenm value of a less able Poola chermy was 50 fanams, otty 35 fanams, kanom 20 fanams, paneyom 25 fanams. The jenm value of a chermy girl of that tribe was 25 fanams; otty and kanom she would not be transferable on, but paneyom she would at 12 fanams. The pattom of a good cherman and chermy, of either the Eralla or Kanaka tribe, was 5 fanams; calculated 3 for the former, and 2 for the latter. The pattom thus derivable from a pair was termed "kuddy pattom." The pattom of a less able cherman and chermy was 3 fanams; 2 for the former, and 1 for the latter. It is to be observed, that the chermy of the above tribe is not to be given on pattom separately. The pattom of a good Poola cherman was 3 fanams, and that of a less able one 2; that of a good chermy $2\frac{1}{2}$, and of a less able one $1\frac{1}{4}$ fanams. It is not usual to give cherman boy or girl on pattom. The present jemn value of a good cherman of the Eralla and Kanaka tribe is 120 fanams, otty 90 fanams, kanom 75 fanams, paneyom 60 fanams; and the value in general of a less able one, and that of a boy, continues still the same as before. The amount to be given to a cherman of either of the two tribes just referred to, for the purpose of tendering to the father of the chermy he may wish to marry, has now increased from 10 to 15 fanams. The present jenm value of a good Poola cherman is 75 fanams, otty 60 fanams, kanom 40 fanams, and paneyam, 35 fanams; but the value of a less able one remains the same as before. The present jenm value of a good Poola chermy is from 90 to 100 fanams, otty 60 fanams, kanom 40 fanams, and paneyam 50 fanams; but the former value of a less able chermy, as well as of a girl, continues still.

6th.—When the jenm right is sold, the original proprietor forfeits all claims; when given on otty, the children born from the chermakel of the Errala and Kanakan tribe become the property of the proprietor. When Poola chermakel are going on otty, the proprietor will derive no benefit; but when a chermy is given on otty, the children she may bring forth are to go to her proprietor; when given on kanom, the pattom remaining, after deducting the arta polisha, is to be paid to the proprietor; but when given on paneyam, the proprietor derives no benefit until he repays the amount received by him.

7th.—When a cherman takes the chermy belonging to another proprietor, it is not customary for either the cherman or chermy to tender any thing to the master of either reciprocally; all the children begotten from them are to belong to the cherman's proprietor, provided such children have been brought forth during the lifetime of the cherman; for any child born after his death, and previous to her being

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married to another, is to belong to the chermy's proprietor. It is not customary for a Poola cherman to marry, that tribe descending by Marromakatty.

8th.—No division or document is in use.

9th.—Chermakal are given on veerom pattom; a good cherman would yield 5 fanams, and the deed used on the occasion is termed veerom pattom olla karoonom.

10th.—They are employed in ploughing, collecting manure, cropping, sowing, and such other works connected with cultivation, as well as in watching the fields, fencing, cultivating the gardens, &c.

11th.—Though he may be possessed of property, and have work of his own, he is obliged to work for his master.

12th.—It has never been usual to receive the value of a cherman when tendered by him, and grant him his liberty.

13th.—Formerly, when a cherman was found guilty of any fault, or be caught after running away, he would be reprimanded for the first offence, and the other chermakel charged to take care of him; but should he again run away, he would be seized, bound, and flogged, put in stocks or handcuffs. At present, when a cherman commits any fault, he would be slightly punished; and if he runs away, a suit would be instituted for his recovery, and the other chermakel charged to take care of him.

14th.—From time immemorial, we are not aware of the year since which the practice obtained.

15th.—Those in want dispose of their chermakal, and those requiring chermakal to carry on their cultivation, purchase them.

16th.—We are not aware as to what is the origin of the chermakal caste; they have been existing since of old; they were formerly the adians of brahmins, who, selling as they pleased, every one became now possessed of adiars.

(Signed by seven persons.)

(signed) *Romen Sirdar*, Tahsildar.

N° 16.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookiestans of the Nedingnad Talook.

Answer to query 1.—There are three species of Chermakal; viz. Erla, Kanakan, and Polean.

2d.—The Erla and Kanaka Chermakal descend by Makatay, and the Poola Chermakal by Maroo Makatay.

3rd.—They are given both along and separate from the lands to which they may be attached on jenmon palicha maddaka, kannom, peneyan, and verrom pattom. "Otty" is a term not known in this district.

4th.—When the jemn right is sold, the deed passed is called "atty peer olla premanom;" when given on palishamaddaka, a "palishamaddaka ola premanom;" when on kanom, a "kanom olla premanom;" and when on paneyam, a paneya olla premanom is passed, as the case may be.

5th.—Formerly, the jemn value of a good cherman of either the Errala or Kanaka tribes was 75 fanams; palishamadaka, 60 fanams; kanom, from 30 to 50 fanams; and paneyam, as far as 40 fanams. The price, in general, of a less active cherman, or a cherman boy, was fixed according to the valuation of four persons. The jemn value of a good chermy was 75 fanams; palishamadaka, 60 fanams; kanom, from 30 to 50 fanams; and paneyam, as far as 40 fanams; and the price of a less able chermy, and a chermy girl, was fixed according to what might be judged by four persons. The jemn value of a Poola cherman was 40 fanams; polishamadaka, 30 fanams; kanom and paneyam, from 15 to 25 fanams; and the value, in general, of a less able cherman, and a cherman boy, was fixed according to what might be judged by four persons. The pattom that a good Errala or Kanaka cherman yielded was 7½, 5 or 3 parrahs, and in some deshuns still less. That of a good Poola chermy was 3 parrahs, and that of a good Poola cherman, 2 parrahs; while the pattom of a less able Errala and Kanaka cherman and cherman boy, a less able chermy and chermy girl, and a less able Errala and Kanaka cherman and cherman boy, a less able chermy and chermy girl, and a less able Poola cherman and cherman boy, was fixed agreeably to their respective individual merit. The Errala and Kanaka chermy are not subject to be so separately sold or given on pattom. The present jemn value of a cherman of either the Eralaor Kanakan tribe, and that of a Poola chermy, is 50 fanams.

6th.—When

6th.—When given on atty perr, the original proprietor forfeits all claims. When given on palishamadaka, all the children begotten from them belong to the proprietor; when given on kanom, the pattom, after deducting interest of kanom, is the jenmakar's share; when given on paneyam also, he derives the pattom remaining, after deducting the interest; when given on verrom pattom, he is entitled to the whole pattom.

7th.—With the exception of 2 fanams and a piece of cloth, which the cherman's master is to give to the cherman on the occasion of his marrying with a chermy belonging to another proprietor, nothing is given by the cherman to the chermy's master, or by the chermy to the cherman's master. All children born from the above persons are to belong to the cherman's proprietor, and no division whatever is made.

8th.—No division being made, no document is used.

9th.—It is but very seldom when chermakal are given on verrom pattom, and the rate of pattom is fully explained in answer to the question, N° 5. No document is used on the occasion of giving chermakal on pattom.

10th.—They are employed in manuring, ploughing, cropping, sowing, and, in short, in every thing connected with agriculture.

11th.—Chermakal possessed of property is hardly heard of in this district; though they may be so possessed, they must work for their master.

12th.—It has never been heard that a cherman had tendered the amount he cost his master, and that the same had been accepted, and his liberty granted.

13th.—Formerly, when a cherman was convicted of any fault, or caught, after having run away, he would be flogged, and put in stocks or irons, and in the latter state made to work. As at present, the sirkar alone can inflict punishment of the kind, it is not resorted to by the people.

14th.—The practice of purchasing and selling chermakals have existed from time immemorial.

15th.—Those in distress are obliged to dispose of their chermakal; and those in want of such people to carry on their cultivation, purchase them.

16th.—We are not aware as to the origin of the chermakal, nor whose adiars they formerly were. They become the adiars of those who purchase them.

(Signed by 15 persons.)

(signed) *Kanoo Koorpoo,* Acting Tahsildar.

N° 17.—Answer to the Queries relative to the Slaves of the Soil, given by the Mookeistan of the Paulghat Talook.

Answer to query 1st.—Eight, viz. Erlah Chermakal, Kongalla Chermakal, Kanaka Chermakal, Walloowa Chermakal, Mala Chermakal, Para Chermakal, Poolawaloowa Chermakal, and Poola Chermakal.

2.—Erlah Chermakal, Kongalla Chermakel, Kanaka Chermakel, Walloowa Chermakel, Malla Chermakel, and Parra Chermakel, descend by Makatty, and the Paloowallawa Chermakel and Poola Chermakel by Maroomakatty.

3.—Charmakals are transferable on verrom pattom, paneyam and kanom, and likewise sold, unaccompanied with the lands to which they may be attached.

4.—When they are given on verrom pattom, a pattom; when on paneyam, a paneya olla karoonom; when on kanom, an ubeyom pattom olla karoonom; and when the jenm right is sold, an atti petta olla karoonom is executed.

5.—A good Erla cherman's jenm value is 250 fanams; kanom, 200 fanams; paneyam, 100 fanams; a less active one's jenm value is 150 fanams; kanom, 100 fanams; paneyam, 50 fanams. A cherman boy's jenm value is 100 fanams; kanom, 60 fanams; paneyam, 30 fanams. A good chermy's jenm value is 150 fanams; kanom, 100 fanams; paneyam, 75 fanams. A less able chermy's jenm value is 100 fanams; kanom 75, and paneyam 50 fanams. A chermy girl's jenm value is 70 fanams; kanom 45, and paneyam 25 fanams.

The value of the Kongala, Kanaka, Valoowa, Malla and Para chermakals, are in all respects the same as that of the Erla charma. A good Poolawaloowa chermakel and Poola chermakel jenm value is 75 fanams; kanom, 50 fanams; and paneyam, 50. A less active one's jenm value is also 75 fanams; kanom, 50 fanams; and paneyam, 50. A cherma boy's jenm value is 75 fanams; kanom, 50 fanams; and paneyam, 30 fanams. A good chermy's jenm value is 200 fanams; kanom, 100 fanams; and panayem, 75 fanams: and a less able chermy's jenm value 75 fanams; kanom, 25 fanams; and paneyam, 25 fanams. A chermy girl's jenm

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value is 100 fanams; kanom, 75 fanams; and panayem, 50 fanams. It is but very rarely that chermakel are given on pattom; when so given, for each kooddy or pair, 12 fanams pattom are given. At present the price of a kooddy of cherman may be said to have increased by 50 fanams.

6.—When the chermars are sold or transferred on kanom, the proprietor derives no benefit from them; when given on pattom, he will receive for one cherman and one chermy 12 fanams.

7.—It is customary when a cherman takes a chermy, that the cherman's master should give to the chermy's father and mother 12 fanams, one cocha and three parrahs of paddy; but nothing is to be given to the cherman's master; no division is to be made of the children born from them.

8.—It is not practised to make any division or pass any writing.

9.—It is but very seldom that chermars are given on verroom pottam; when so given, it is usual to fix the pottom at 12 fanams for a cherman and chermy, and the document executed on the occasion is called pattom chit.

10.—They are employed in all work connected with husbandry and fencing, preparing materials for covering houses, cutting fire-wood, &c.

11.—Although he may be possessed of money, he must work for his master.

12.—It is not customary for a cherman to apply for being free from slavery, and for the proprietor to grant such a request.

13.—Both in former and present times, when charman are convicted of any fault or ran away, they are flogged, put in the stocks, and confined.

14.—Formerly the sale and purchase of chermans was but very rare; since the levy of the revenue, the practice has progressively increased.

15.—When the proprietors find themselves in want, they will dispose of their chermacal, whom those carrying on cultivation will purchase.

16.—To explain these points, a reference to the shastram is necessary, which we will make, and communicate the result when a person pays his money and purchases in jenm right a cherman; the latter becomes the adiar of the person purchasing him.

(Signed by six persons.)

(signed) *Shamoyaen*, Tahsildar.

N° 18.—Answer to Queries relative to the Slaves of the Soil, given by the Mookiestan of the Temalpooram Talook.

Answer to query 1st.—There are ten species of chermakal in this talook; the 1st tribe is Parrayam Kooddamar Nattallore Erralare; 2d. Kongalare; 3d. Maleyar; 4th. Kanakar; 5th. Valloowa Poolcar; 6th. Poolcar; 7th. Parrayer; 8th. Koroombarree; 9th. Kaddare; and, 10th. Weshawar.

2.—The Kanakar, Kongalar, Koodamar Nattalar, Erralar Malcar, Koroombar, Parreyer, Veshamar, Kaddar, descend by Makatay and Waloova, Poolcar and Poolcar descend by Maroomakatty.

3d.—They are separately sold, given on paneyam, ubeyom pattom, veppa and verrom pattom.

4th.—Five species of prenamons are used, and they are called pattom chit, paneyolla, ubeyom olla, vepa olla and atty pett olla.

5th.—The present jenm value of a good cherman of the tribe called Kooddanmar Nattalar Erraler is 200 fanams; otty, 200 fanams; konom, from 100 to 175 fanams; paneyam from 120 to 150 fanams; and pattoms, 14 perrahs of paddy. The jenm value of a less able cherman is from 100 to 150 fanams; veppa the same; kanom, from 50 to 100 fanams; paneyam, from 60 to 75 fanams; and pattoms, 10½ parrahs of paddy. The jenm value of a good cherman boy is from 50 to 100 fanams; veppa the same; kanom from 50 to 75 fanams; paneyam, from 30 to 50 fanams; and pottam, 7½ parrahs of paddy. The jenm value of a less able cherman is from 30 to 50 fanams; veppa the same; kanom, from 30 to 40 fanams; paneyom, from 20 to 30 fanams; and pattom, 3½ parrahs. The jenm value of a good chermy is from 100 fanams to 150 fanams; veppa the same; kanom, from 75 to 120 fanams; paneyam, from 50 to 75 fanam; and pattom, 10 parrahs. The jenm value of a good chermy girl is from 50 to 75 fanams; veppa the same; kanom, from 30 to 50 fanams; and paneyam, from 20 to 30 fanams; and pattom, five parrahs of paddy. The jenm value of a less able chermy is from 50 to 75 fanams; veppa the same; kanom, paneyam and pattom the same as that of good chermy girl. The jenm value of a less able chermy girl is from 25 to 40 fanams; veppa the same; kanom, from 20 to 30 fanams; paneyam, below 20 fanams; and pattom, 2½ parrahs; but much

depends

depends upon the circumstances of the persons selling or transferring their chermakals. The several value of the chermakal of the Kongalore, Malayer, Waloowar, Kanakar, Karoombar tribes, are the same as those enumerated above, with the exception of chermies of the Kamaraka and Keromba tribe, who are not subject to be sold; but they are married and taken home by chermans of the same tribe, on which occasion the cherman's proprietor presents to the father 12 fanams and a piece of cloth worth three fanams. Of the children born from them, the males become the property of the cherman's proprietor, and the females subject to be married and taken away in the manner just explained. The Parrah chermakal, being a kind of free tribe, go of themselves and tender their services to such persons as they please, and receiving an advance of 10 or 20 fanams, will work for the persons making such an advance; and when they are desirous of changing their master, they will procure a new one, and receiving from the latter an advance, will pay the former master such sum as may be due to him. The chermakal of the Kaddare and Weshaware tribe are not sold or purchased, nor do they come down the ghauts they inhabitant for the purpose of working for any one. We have learnt, that in former years the jenm value of a koody of chermakal of either the Kooddomar, Nallalar, Errala, Kongalar, Malayar, Waloowa Poolcar, Poolcar Kanar and Koorroombar, was 75 pattom 7½ parrahs of paddy; veppa the same as jemn; kanom and paneyam below 50 fanams, or 30 to 40 fanams; verrom pattom 15 parrahs of paddy. The chermakal of the tribe called Parrah, Kaddar and Weshawa, were not either sold or given on pattom, nor would they work for any one. The above is the difference between the former and present prices.

6.—When given on jenm and veppa, the original proprietor has no benefit; when given on kanom and paneyom, the pattom remaining after deducting the artá palisha, is the benefit of the proprietor; when given on verrom pattom, the whole pattom goes to the proprietor.

7.—Neither the chermy's master should give any thing to the cherman, nor the latter's master any thing to the chermy on the occasion of their marriage; nor are the children born from them subject to any division.

8.—No division being in use, no document is passed.

9.—They are given on verrom pattom; a koody would yield 24 parrahs of paddy annually; the document passed on the occasion is termed pattom chit.

10.—They are employed in ploughing the fields, parrambas, cutting wood, planting, cropping, and in short, in all works connected with agriculture. They are besides required to watch the fields and granary during the night.

11.—Chermakals will not be possessed of property, admitting that they are, they must work for their master.

12.—The cash he may tender, which is very improbable, for a cherman will never be possessed of enough of means, will not be accepted, nor his liberty granted.

13.—Formerly when a cherman was convicted of any fault, or caught after running away, he would be flogged and put in stocks for some days, and afterwards made to work with chains on; and the same practice is in existence now.

14.—The practice of selling and purchasing chermakal has existed since the Malabar country was instituted, or since the cultivation commenced.

15.—Proprietors of chermakals dispose of their chermakal when they are in want of cash to pay the revenue, and for other purposes; and those who are in want of chermakal to carry on cultivation, purchase them.

16.—We are not aware of the origin of the chermakal, nor whose adiars they formerly were; as they can be purchased and sold, every one becomes possessed of adiars.

(Signed by 13 persons.)

(signed) *Boojing Raw*, Tahsildar.

N° 19.—From Vemanjery Namboodripad, Narepatte Battedry Paad, Manoor Namboodry, Washakoonata Namboodry, Amayoor Balledripad, Teroomangalate Namboodry, Pattery Shery Nambodry.

To the Zemorin Rajah.

We have perused the letter addressed to your highness by the sahib, Mr. Vaughan, in which it is requested, that we may be made to give information on the following points; viz. relative to the custom existing in the purchase and sale of slaves; how they are transferred on pattom, how it was they came to be found in Malabar, and how was it that the Shooders became possessed of Adiars. Accordingly, we beg to submit such information as we are possessed of.

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1st.—It is usual to sell, give on otty, kanom and verrom pattom chermakal, both along and separate from the fields to which they may be attached.

2.—In Calicut and the places adjoining it, the pattom of a cherman is from 1½ to 3 old gold fanams, and that of a chermy from 1 to 2 fanams. In the Nedinganad district, and the places towards the west thereof, the pattom of a cherman and chermy is 2 fanams or 3 parrahs of paddy per year; and in the places east of that, the pattom is as far as 5 fanams, or 10 parrahs of paddy, and when given along with the fields, their rent will be included with that of the land.

3.—No fixed sum can be taken as the rate of kanom; it is, however, always below otty.

4.—When given on otty, the amount to be received for a cherman must be the sum that would yield an interest equal to 1 quarter or half or 3 quarters of a fanam for 10 fanams per annuam; and when the jenm right is to be sold, the amount is to be fixed by adding to the amount of otty, an additional amount of half that sum, but much depends upon the circumstances of the proprietors.

5.—It is customary to give 1 or 2 or 4 fanams to the witnesses who may attest the deeds at the time of their execution.

6.—In Calicut and the places about it, the rate of otty may be taken from 20 to 40 fanams, and that of a jenmon from 40 to 60 fanams. In Nedinganaad and to the east thereof, the rate of otty, or what is there termed palisha maddaka is from 40 to 60 fanams, and that of jenm from 60 to 100 fanams, and the rates exceed in Palghaut and the places adjoining that district.

7.—In Calicut and the places adjoining it, the children born from a cherman who may have contracted a marriage agreeably to the custom, are to be divided in proportion of one half to the cherman's master, and the other half to that of the chermy, but in some places only two-fifths go to the cherman's master. This practice does not however exist in the other districts.

8.—Of the children born from Chermakal of certain tribes, the males only become the property of the cherman's master, while the females are at liberty to follow such chermars as may wish to marry them.

9.—By the shaster it would seem, that the slaves are the fruits of criminal connection between Shooders and Brahminy women.

10.—If Shooders have also been possessed of slaves, it is because they have been able to purchase them.

Dated 30th Mithoonom 994.

(Signed by the Brahmins above-mentioned.)

(True translation.) (signed) *J. Vaughan*, Collector.

N° 20.—Extract from Major Walker's Report on the Tenures of Malabar.

Cheramers.—The Cheramers, although slaves of the soil, and the property of the owners of the land, are distinct from the jemn, and may be possessed or sold separately from it.

This caste are said to have been reduced to slavery in the following manner:—

The Brahmins, when Parasharem divided amongst them the lands, represented to him, that without assistance, they must remain uncultivated; accordingly Parrasharem went in search of the wild people, who, at that time, inhabited the jungles, collected them, and presented them to the Brahmins. They were thenceforward considered as jenm, and continue to this day to cultivate the lands in Malabar.

The chermars are absolute property; they are part of the live stock on an estate. In selling and buying land it is not necessary that they should follow the soil; both kinds of property are equally disposable, and may fall into different hands. The chermars may be sold, leased and mortgaged, like the land itself, or like any cattle or thing. The feumokar may hire them for pattom or rent independently of this jenm land, or he may sell them altogether with his estate. The pattom on a chermar is four fanams a year; if they are disposed of on otty, their price is 32 fanams; if on the attipit ola or jenmon, 48 fanams.

The jenmokar, by the ancient laws of Malabar, is accountable to no person for the life of his own chermar, but is the legal judge of his offences, and may punish them by death, if they should appear to deserve it.

The kolloonaven can neither put to death a chermar nor sell him, but he may chastise him.

In the same manner as the soil, the possession of chermars was originally confined to a particular class. They were then employed entirely in the labours of agriculture;

culture; but although they were the first and sole cultivators in Malabar, it is not to be imagined that this is the case at present, since there are many kuddians of all castes, who cultivate their own lands.

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N° 21.—Extract from the Files of the Zillah Court, South Malabar, being Numbers of Suits instituted on the subject of Slaves.

N° of 1812.	N° of 1813.	N° of 1814.	N° of 1815.	N° of 1816.
1	129	5	249	59
15	375	27	260	246
44	428	72	296	374
71	514	87	462	375
188	537	271	674	700
190	540	273	1067	877
191	543	284	1071	907
244	544	294	1072	952
295	570	312	1145	955
298	625	411	1242	956
330	646	420	1246	1012
334	663	488	1306	1060
339	667	518	1316	1089
352	668	611	1324	1117
365	686	621	1536	1227
456	834	622	1537	1301
461	851	666	1565	1315
607	922	686	1566	1349
738	961	722	1591	1376
755	1231	786	1642	1464
764	1243	816	1669	1468
	1244	881	1679	1515
	1246	909	1732	1349
	1254	933	1758	1376
	1278	1035	1807	1464
		1046	1822	1468
		1128	1835	1515
		1143	1882	1613
		1150	1884	1615
		1156	1913	1728
		1161	2050	1755
		1317	2060	1756
		1325	2094	1894
		1329	2100	1990
		1349	2103	2019
		1354	2106	2020
		1387	2119	2021
		1403	2115	2029
		1527	2157	2100
		1547	2188	2113
		1661	2320	2120
		1737	2326	2142
		1750	2353	2193
		1854	2355	
		1976	2365	
		2007	2379	
		2408		
		2449		
		2473		
		2517		
		2690		

(True extract.) (signed) *J. Vaughan*, Collector.

Ordered, to lie over until the replies required from the other collectors on this subject, have been received.

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Extract, Proceedings of the Board of Revenue, at Fort St. George, 9th August 1819.

Read the following letters from the Collector in the Zillah of Chingleput:

To the President and Members of the Board of Revenue, Fort St. George.

Chingleput.

Gentlemen:—In reply to your secretary's letter of 31st May, and with reference to that part of your Board's minute of 5th January 1818, therein mentioned, I beg leave to subjoin my report upon the mode of conducting the cultivation in this district, and the situations of the cultivators in general.

2.—The villages of this district may be classed of two descriptions; viz. Agraharum and Manavado.

3.—The merassy of the former for most part pertains to Bramins, though a small portion, denominated Nuttum, is often possessed by Soodras.

4.—The Bramins, who are not in the habits of labour, generally retain a portion of their merassy lands, under their own superintendence, which they cultivate by means of labourers, with whom they enter into engagements mostly for a share of the produce, and in some cases they are reimbursed with what is denominated padi, which is chiefly paid in grain, with a small sum in ready money, and a few trifling allowances made them during particular festivals.

5.—These allowances (padi) are without reference to the extent of the produce, but are what the labourer is entitled to, whether the season prove advantageous or otherwise.

6.—This description of labourers are mostly resident in the village or its vicinity, and generally enter into the service of the merassadars for a certain period, when they obtain from their masters advances for building their houses, or for the exigencies of their families, and these place them almost in a situation of vassalage, as they cannot quit the service in which they have engaged, until all such advances have been repaid, nor will any one of that village accept of their services, until their balances are discharged.

7.—When the merassadars have reserved to themselves such portion of their lands as they are thus enabled to cultivate, they give the remainder to the sookavasies of their own or neighbouring villages, reserving to themselves their manium, &c., merassy privileges, and receiving from the sookavasies the toendawarum as an acknowledgment of their proprietary right, with coopatam, &c. for village charges. The sookavasies continue in the occupation of these lands, while they make good their agreements to the merassidars, but have no authority to transfer them; and in the event of their relinquishing the cultivation of the whole or any part of them, that reverts at once to the disposal of the merassidars, who can give the lands to whoever they please, without a reference to the former occupant.

8.—There are instances where these merassidars in lieu of giving batta to their cultivators, enter into any kind of contract with them, putting them in possession of their ploughs, seeds, &c. and to reimburse them for their labour, give them one-third of their coodewarun; this is an incitement to their exertions in carrying on the cultivation, and is mostly practised by Bramins, who do not cultivate themselves, and who never possess adamis or slaves.

9.—The cultivation in the manavadoo or soodras villages is more generally retained by the merassidars, who are themselves cultivators. They carry it on partly by their own labour, partly by the hire of cultivators, whom they reimburse either by a distinct share of the coodewarum, or allow them padi, which comprizes porcullum, calawsum, alunda-audy, &c., the rates of which are according to the custom that has prevailed in the village, and partly they cultivate by means of their adami or slaves.

10.—This latter description were formerly only possessed by vellairs, but subsequently both by reddys, comavars and other soodras.

11.—This vassalage still exists in some degree in this district; it may, therefore be acceptable to demonstrate the system under which it is carried on; which I shall endeavour to do as far as my own observation, and the information I can obtain, will admit.

12.—The pariahs of this district, denominated adami (the Tamul name for a slave) have long been in vassalage to the vullairs, and they have subsequently been possessed by reddys, comavars and other description of soodras, but are never owned by Bramins.

13.—The

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13.—The mode of obtaining these adami is by their own disposal of themselves, either for a sum of money or upon some other agreement, in consideration of which they pledge themselves to service, and are at the disposal of the purchasers. either for re-sale, mortgage or gift, and whenever transferred, are even considered as slaves, and compelled to labour upon receiving subsistence and raiment, provided such labour be not of a nature derogatory to religious prejudices. These persons are not in any way attached to the land, but are the property of the individual, and may by him be called away for cultivation in other parts, or for other duties which may be assigned him.

14.—In thus submitting himself to vassalage, he involves for ever his posterity, but the claim to his children does not always rest with his immediate proprietor.

15.—In the event of his marrying with one of the females belonging to his master, the children all become his property; but should he marry with a female slave of another person, the children of such marriage mostly become the property of the proprietor of the female, though in some villages the custom is otherwise; and in the event of a female slave having children previous to her marriage, their disposal depends upon the custom of the village, as they sometimes become the property of her master, and are sometimes made over with herself to her husband upon their marriage.

16.—Those employed in the cultivation of the lands, and to which this report principally refers, have for the most part their allowances regularly rendered to them, so much grain being granted to each labourer, and a proportionate subsistence for each of his children or others of the family; the are housed and clothed, and during the principal festivals, certain other allowances are made them, both in money and articles requisite for their ceremonies; their marriages are also performed at the charge of their masters, and when reduced by infirmity, they are also supported by their proprietors.

17.—The condition of this description of people, composing the chief part of the pariahs of the district, has of late years considerably changed. This may, in a great measure, arise from the vicinity of their situation to Madras, where this system is known to be abrogated; many of them there obtain employment, and their proprietors would find it difficult to reclaim them; and the regulations have so far circumscribed the authority formerly exercised by the proprietors over this description of their servants, that they cannot keep them under controul as heretofore, when the power was vested in them of inflicting very severe corporal punishment, or confining them for neglect of the duties assigned them; and I learn, that in former times the discipline exercised by the proprietors over their slaves was of a very severe description. The proprietors now finding themselves incapable of employing their services, or rather to control them as arbitrarily as heretofore, complain less of the loss of this description of property.

18.—They adami or slaves are also possessed by many of the villair, &c. who are sookavasies, and who have long established themselves in the cultivation in particular villages, but their situation in such cases are is similar to those in the service of other soodras.

19.—I have made a particular inquiry relative to the claims said to be admitted to the pariahs and pullers, as noticed in the 14th paragraph of your Board's minute, but cannot find that any allowances are in this district accorded to them, except poorcullum, calavasem, and almidasy. I believe there are some instances where merassy has been claimedby reddys, or other sookavasies, upon the plea of long occupation, and in which they continue undisturbed.

20.—The sale of adami has been, I believe, of late years discontinued, or of very rare occurrence, and in these parts no attachment of such property has, I fancy, ever been made on account of the dues to government.

21.—This system of vassalage, it is then manifested, has long since existed in these parts; the object, however, appears rather the restriction of arbitrary measures towards this description of persons, and an amelioration of their situation, while no period of emancipation is defined; such must be impracticable, if the proprietor can under former usage at any time reclaim them; some enactment upon this subject would therefore seem best calculated to remove this primary difficulty, and the unnatural pledge of their posterity is one which demands the first interference.

22.—The practice of entering into engagements with the merassidars only, should also be removed, and every cultivator be permitted to make agreements for the tax, payable upon his land; at present the muchilkas for cultivation are taken

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for the most part from the merassidars, who often possess no interest in it beyond their toondawarum, and have neither a plough nor a bullock belonging to them, yet it has occurred within my own observation, that the sookavassies, who had been for years in the practice of carrying on the cultivation, yet when a balance existed upon the merassidars, which rendered it unadvisable to make them advances, the sookavasies declined to accept the tuccavi, or enter into engagements with the sircar for the cultivation without the sanction of the merassidars.

23.—After the able reports, already before your Board, upon the subject of merasie or inheritance, any remark from me may be superfluous.

24.—In this district many occupiers of these tenures do not hold them by right of inheritance, but upon cowle, granted on the secession of the proper owner. In these cowles the purposes and conditions upon which they were granted are clearly defined, viz.; to carry on the cultivation of the village, on which account they are put in possession of all grama, mannium, coopatums, and other merasie privileges. If these then are the terms on which such privileges are to be occupied, surely the right of enjoying them ceases, when the parties neglect to cultivate themselves, or to provide for the cultivation of the varaput lands; the resumption of such privileges is even sanctioned in the reply of the late Mr. F. W. Ellis, to the 3d question upon merasie, though he thinks it should not be resorted to, except in cases of extreme contumacy.

25.—If, as I presume, these privileges have been granted to establish in their proprietors an interest in the village, and thereby to induce them, from the advantage they possess, to carry on the full cultivation of the varaput lands, and ensure the realization of the revenues of the state, their neglecting the whole or any part of the cultivation should incur the penalty of forfeiture, at the least temporarily of the whole, or a portion of those immunities which had been accorded to them for that purpose; at present it is not uncommon for merassidars to enter into engagements for cultivation beyond their means, rather than admit strangers into their lands; because if they cannot procure pyacarries to cultivate upon their terms, they would prefer the lands laying waste, and often throw obstacles in the way of pycarries, who have been procured by the sirkar servants to cultivate. The loss of the merassidars is merely their toondawarum and coopatum, which vary according to the custom of the village, but the loss to the state is very serious; yet the merassidar continues in the full enjoyment of the produce of his mannium lands, which from the superior attention paid to their cultivation, generally produce 50 per cent, and sometimes more than that, above the varaput lands of the village. Here then they continue in the full enjoyment of their allowances, although they have abandoned the obligation for which they were granted, not heeding the loss of toondawarum in the neglected lands, whereas this failure of cultivation, causing the loss of their privileges, creates a very considerable diminution of the public revenue.

26.—Many proprietors of merassie right in this district, either by purchase or inheritance, are opulent inhabitants of Madras, or in the occupation of situations of emolument there; these pay little or no attention to the cultivation of the caraput lands, but generally have their resident gomostahs to look after their interests in the village privileges, though they in no way conduce to the cultivation beyond that of the grama mannium land.

27.—If engagements were entered into with each cultivator for the land he holds, instead, as at present, of including these in the general arrangement made with the merassidars for the rent of a village, it would at least relieve them from the undue authority which is frequently exercised over them, and make them somewhat more independent. I am not desirous that the merassidars should be deprived of such lands as they are willing to cultivate, and even their emoluments of toondawarum, if conidered requisite, might be rendered them; but in order to improve the situation in which the pyacany cultivator stands, he should be removed from the authority of the merassidar, so far as to be put firmly in possession of the lands for which he has engaged, after the merassidar has declined them; and any allowance to which it may be considered that the latter is entitled, should be rendered to him through the servants of government, to prevent any undue interference on his part; from his having declined to cultivate the lands, this is assuredly the utmost to which he could urge claim.

28.—The removal of this system of vassalage prevalent in this district, from the nature of the engagements of the parties or their progenitors, if ultimately deemed expedient, (of which I entertain no doubt), must be yet distant in effect; but I think

that

that some relief may be afforded to the industrious sookavasies, who would exert their energies, if secured in the possession of the lands they cultivate, and if they be all permitted to enter directly into arrangements with the public authorities.

(signed) *W. Cooke,* Collector.

Circuit Cutchery, 31st July 1819.

Ordered to lie on the table, until the replies required from the other collectors on the subject have been received.

Extract, Proceedings of the Board of Revenue, at Fort St. George, 20th September 1819.

Read the following letter from the collector in the southern division of Arcot.

To the President and Members of the Board of Revenue.

Arcot.

Gentlemen:—The delay that has attended this reply to the reference of your secretary, under date the 31st May last, proceeds from my only having recently received information on several points, from the various tehseeldars of the district connected with the privileges and treatment of slaves.

2.—The slaves in this collectorate are mostly of the pulley and pariar castes, and the majority of them are chiefly devoted to the pursuits of agriculture.

3.—The number of slaves of both sexes, including children, amounts to upwards of 17,000 in this district, and they appear to have been generally born in a state of servitude, through some contract of their forefathers, The Hindoo code of laws, religious and civil, seems however, to declare, that the Sudra tribe are naturally born in a state of servitude; and although some of the superior of the sub-divisions of that tribe in modern days have emancipated themselves from this degrading thraldom, yet the lower castes are always looked upon as natural slaves, the property of any person who contributes to defray their marriage expenses, which is the ordinary way at present, of constituting hereditary slavery.

4.—Previously to the assumption of the Carnatic, the owners of slaves were empowered to punish them either by castigation or confinement, for any misdemeanor or fault at their discretion, but that power subsequently to the British administration has ceased to be exercised,

5.—The possessions and the acquisitions of slaves are generally considered to be the property of their masters, who, however, usually relinquish them to the family of the slave.

6.—Slaves cannot enter into any matrimonial connection without the consent of their owners, who, as they defray the expenses of their marriage, virtually revive the contract of hereditary bondage, for the offspring of slaves are always regarded as the property of their father's owner.

7.—It is stated, that the slaves of this district can be sold by their owners to any person, and to an alien village, and that no slaves are attached to any particular soil or village; but I am induced to believe, that such a practice is at variance with the rights annexed to the state of real bondage; for in some meerassie villages, it is known that the meerassidars have advanced pretensions to possess an equal proportion of the slaves with their share of the villages, and I also believe, that such practice is hardly ever resorted to. The price of a male slave and family, when sold by their owner to another person, varies considerably, and ranges from 10 to 50 pagodas.

8.—The owners of slaves are required to provide them with food and clothing, to defray their wedding expenses, and to assist them on the births of children, and in their funeral charges. The food differs according to the opulence of the owner, but is always sufficient for subsistence, or the owner permits the slave to serve elsewhere, during his poverty. The clothing is very scanty, except when the slaves are chiefly employed for domestic purposes; and I cannot discover that the apparel is designedly calculated to pourtray the class of the wearers.

9.—The duties of slaves are to attend the cattle and agriculture, and to assist in domestic services, connected with the house or person of their owners.

10.—It does not appear that enfranchisement of slaves ever takes place. Yet as some owners have been reduced to indigence, and are unable to employ or subsist their hereditary slaves, those persons are ostensibly free, and labour for any person who will employ them. Cases of emancipation occur in the extinction of the owners families, and from this description of soodras, who still sacrifice their

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liberties, modern slaves are contituted, for they are mostly very needy, and consent to perpetual and hereditary bondage for about 20 or 30 pagodas, which a cultivator advances for the celebration of a marriage ceremony. In no instance, I believe, do engagements exist where a labourer discharges such a loan by his manual labour.

11.—Numerous examples occurred in former times, I believe, of Mahomedans purchasing Hindoos as domestic slaves, whom they circumcised and converted to their religion; but I am informed these cases are rare now. Bramins and other superior classes purchase soodras also for domestic purposes, and the persons so purchased are constituted hereditary slaves. The class of dancing girls are also in the habit of purchasing young girls, chiefly from the kykulla or weaver caste, for the purpose of educating in their profession, and the children of those girls, if females, continue to form a portion of the company to which their mother was attached.

12.—The foregoing are the chief particulars of the information I have been able to collect upon the subject of slavery, as it obtains in this district, to which may be added, that owners of slaves are bound to protect them in sickness and old age; and although the state of servitude is ever repugnant to nature and humanity, yet I do not hesitate to express my opinion, that the state of bondage, as it prevails in India, is free from many objections that exist against the West Indian slavery, for here the convention is mutual, the slaves enjoy the purchase money, and are not compelled by oppressive power to become bondsmen in a foreign land, and as their contracts proceed from themselves, the odium annexed to the despotic mode of constituting slavery in Africa is obviated.

13.—As under paragraphs 15 & 16 of your Board's minute, dated the 5th January 1818, a gradual removal of the restrictions upon the freedom of the labourer is contemplated, I take the liberty of suggesting, that every labourer who is now free, shall be declared exempt from all possibility of slavery hereafter, denouncing penalties against every person who may attempt to enslave any subject under our government. Rules calculated to abolish the general abuse of slavery, to provide for slaves in sickness and old age, to confine the transfer of slaves to the village of their nativity, and to interdict all corporal punishment or imprisonment, would prove an alleviation of the miseries inseparable from bondage. As the continuation, or I may call it, the revival of slavery, is dependent upon the assistance owners contribute to the propagation of slaves, by advancing money for the expenses of marriages, perhaps a rule might be enacted, prohibiting the enslaving of unborn children hereafter, by such a convention between the owners and their existing slaves.

(signed) *C. Hyde*, Collector.

Verdachellum Circuit Cutcherry, 12th September 1819.

Ordered to lie on the table, until the replies required from the other collectors have been received on the subject.

Extract, Proceedings of the Board of Revenue, at Fort St. George; 8th November 1819.

Madura and Dindigul.

Read the following letter from the Collector in Madura and Dindigul, to the President and Members of the Board of Revenue.

Gentlemen:—I have the honour to acknowledge the receipt of your secretary's letter of the 31st May last, forwarding an extract from the proceedings of the Foujdarry Adawlut to Government, relative to slavery, and directing me to report its present state in districts under my charge.

2.—Neither in Dindigul nor Madura can the custom of slavery, I believe, be considered so general as in the neighbouring districts. In many villages, during the nabob's government, it did exist, in many, not; and the following appears to have been the practice then observed.

3.—When a pullar or pariah was unable to gain a livelihood, he was accustomed to offer himself or his relatives as slaves to the cultivating inhabitants, for a sum of money, varying from one to ten cully chuckrees, when a bond of slavery was drawn out and signed. If they married, their children were considered the property of the owners, and they were employed in the cultivation of land, and were maintained by the owners, who frequently for their services would grant them a solundrom, or allowance in grain, in addition to other allowances. If the proprietor of land was obliged to dispose of the whole of his land, he still retained possession of his slaves, and disposed of them as he pleased, they not being considered attached

to

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to the land thus sold. If an owner was unable to maintain his slave, he could let him out to others, by which means he frequently derived a maintenance both for himself and slave, but the slave was obliged to return to his master whenever he required him, who could mortgage or sell him at pleasure. Since the assumption of the country, some slaves have continued with their masters, others have left them, and have even enlisted as sepoys. I cannot discover that any pullar has sold himself as a slave of late years; indeed slavery altogether seems gradually disappearing, which may be attributed to the knowledge that it is not encouraged in the different courts of justice. Some pullars cultivate their own lands, and have their own puttiams; those who cultivate the lands of others, and who are not slaves, receive a regulated hire.

(signed) *R. Peter*, Collector.

Madura, 27th October 1819.

Orderd to lie on the table until the replies required from the other collectors on the subject have been received.

Further Proceedings relative to Slavery; including Reports of the Collectors of Revenue on the Malabar and Coromandel coasts, on the nature and extent of the Slavery or Bond Service, which exists in their several collectorates; 1819-1820.

Extract, Proceedings of the Board of Revenue, at Fort St. George, 23d December 1819.

Sent the following Letter to the Collector in Malabar.

Malabar.

Sir:—I am directed by the president and members of the Board of Revenue, to acknowledge the receipt of your letter, under date the 20th July last.

2.—The Board's proceedings on the general subject of slavery have been laid before the government, whose final orders will hereafter be communicated to you; but in the mean time, I am directed to desire, that the practice of selling slaves for arrears of revenue, may be immediately discontinued.

(signed) *A. D. Campbell*, Secretary.

Fort St. George, 23d December 1819.

Extract, Proceedings of the Board of Revenue, at Fort St. George, 27th December 1819.

Read a letter from the Acting Collector in the Northern Division of Arcot.

To the President and Members of the Board of Revenue, Fort St. George.

Arcot.

Gentlemen:—With reference to your Deputy Secretary's letter of the 31st May last, I have the honour to lay before your Board such information as I have been able to collect on the subject of slavery.

2.—The slaves in the district are not numerous; the statement (A.) which accompanies this, exhibits a total of 688, inclusive of men, women and children, and the practice of keeping them may be said to be confined to the five talooks of Arcot, Trevultoor, Cauvareeput, Poloor and Suttawaid; for in Sholungar and Wundawash, the only two other talooks, in which, according to the same statement, slavery prevails, their numbers are very small indeed.

3.—They are ostensibly employed in agriculture, and the pasturing of cattle, though they may occasionally do house work, and the persons in whose service they are principally engaged are of the Rajah, Brahmin and Vellumwar castes, to which circumstance may perhaps be traced the practice of slavery in the above-mentioned talooks, where most of the head inhabitants and renters are of one or other of those castes.

4.—The slaves, though universally I believe pariahs, cannot be said to be of any particular caste; and in this point of view, there appears to me to be an essential difference between the nature of the slavery in this part of the country and that on the Malabar coast; there, if I am not greatly mistaken, they form a distinct, unhappy and degraded race of people, who are slaves from their birth, and to whose labour and services, their countrymen of the higher and more fortunate castes, consider themselves to have an undoubted right; here they are usually the children of such

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as have been reduced to the lowest misery, or individuals, who from the same cause, have been compelled to resign their own liberty into the hands of one who is able and willing to support them, or they are those, who, deeply immersed in debt, have no other alternative than that of mortgaging themselves to their creditors, or to any one who chuses to advance money on such security; but in all these instances, the slavery is perpetual, and the people who are subjected thereto, can only be redeemed by the charity of individuals, or may occasionally owe their liberty to the compassionate disposition of their masters.

5.—It will, however, be necessary to add, that children born when their parents are in a state of slavery, become slaves also, and as regards, therefore, what I have mentioned above, I would beg to be understood, as speaking generally, of the manner in which slavery or the required number of slaves is kept up; there are, it is true, instances of people having been slaves from their birth, but they are very few indeed; and in proof of this, it may be mentioned, that it does not appear to be accurately settled to whom the child of a slave belongs; in one talook, it was said to the master of the male, in another, to the master of the female slave; the question, perhaps, has never been agitated; for the people who keep slaves, most likely find it cheaper to buy than to rear them, and the offspring, when left to their parents charge, who have barely sufficient to support themselves, die of absolute want.

6.—They have not any particular marks whereby they may be distinguished, except it is their wretched appearance; they are fed and clothed and subsisted entirely by their masters; their food consists of raggy, the coarsest kind of grain, and their clothing is a common cumly.

7.—I cannot discover, though I was very particular in my inquiries on the point, that they have any rights or privileges, and they are not possessed of any property, neither can they inherit any.

8.—The power of the masters over their slaves, is unlimited, except of course where the law intervenes to prevent cruelty and murder; they may appropriate to them whatever work they please; they may punish them, and sell them; and can compel them to accompany them whithersoever they may go; but they are always regarded as the private servants of an individual, and not as the slaves of the soil; and it is of course, the mere natural consequence of this, that I have the pleasing satisfaction of being enabled to state to your Board, that throughout the whole of this Zillah, there is not an instance of a single slave having been sold, either for an arrear of revenue, or for a decree of the court; besides which, I may add, so little do the masters of the slaves take advantage of the power that they are invested with, of selling them, that it was with the greatest difficulty I could discover what, in the event of his being sold, was the price of a slave; the answer from more than one of the talooks was, that they did not know, or could not find out; I have, however, at length ascertained that the average maximum price is 20 pagodas.

9.—Considering that any particular forms which might be observed in the buying and selling of slaves, as well as other particulars, would be best exhibited by documents, I called for the originals, or copies of any that could be produced, but have been able to obtain only one of an old date, a translate (B.) of which is hereto annexed. It is a slavery-bond, transmitted from the Sholungur talook, and merely shows what dreadful distress a mother must be reduced to, who, for two pagodas one rupee and nine fanams, or not quite one English guinea, could consign her two children to the horrors of slavery.

10.—To what is here stated, I have only to add, that it is the most general opinion, that no change has taken place in the state and condition, or the number of the slaves, since these countries came under the English government.

11.—I regret that this information, scanty as it is, should not have been furnished sooner to your Board; but I must add, in explanation of the involuntary delay that has taken place, that it was not until the 18th instant that I obtained final answers from all the tahsildars to a certain number of questions that I circulated to them immediately on my taking charge of this collectorate.

(signed) *J. Hutt*, Acting Collector.

Circuit, Cutcherry, 23d Dec. 1819.

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(A.)—General Statement of the Number of the Male and Female Slaves in Northern Division of *Arcot*.

Names of the Talooks.	Employed in Cultivation.		
	Male.	Female.	Total.
Chittoor	—	—	—
Tirputty	—	—	—
Cavarypauk	37	18	55
Strolungur	9	1	10
Tirvullam.	—	—	—
Sautgud.	—	—	—
Cuddapanuttum and Venkutgherry Cottah.	—	—	—
Arcot	39	25	64
Vellore.	—	—	—
Tirvuttoor	93	64	157
Poloor	179	—	179
Wundwash	1	3	4
Suttavaid	131	88	219
Bungauree.	—	—	—
Mograul.	—	—	—
	489	199	688
Congoondy	—	—	—
Total	489	199	688

(signed) *J. Hutt*, Act^{g} Collector.

(B.)

Translation of a Slavery Bond, in the possession of Pumaul Reddy.

In the year of Saulivahahunen 1727, or of Culleyorgum 4,906, under the stars Pooruttauthe, on Wednesday at the commencement of the full moon, 25th Audee or July in the year Crothuna or 1806, Fusly 1216.

This slavery bond was given by Mullee, daughter of Ballen, a toty of Yerromby village, to Tucca Reddy, son of Kauluttee Reddy, a resident of Sholunghur.

Having sold my two sons, namely, Perreya Ponnen and Chinna Ponnen, for the sum of two pagodas one rupee and nine fanams, which said sum I acknowledge to have received from you; the said two sons are bound as slaves to you from generation to generation. In case my two sons may hereafter abscond, I shall always be ready to appear before you in their stead.

Signatures of the witnesses.

(signed) The marks of *Mullee*. *Tunnamun*. *Mokayogar*, Toty. *Moortee*, d°. *Yemmun*, d°. *Mosakhan*. *Police Duffadan*. *Puddavatan Sullin*.

(A true translate.) (signed) *J. Hutt*, Acting Collector.

Ordered to lie over until after the present dispatch.

Extract, Proceedings of the Board of Revenue, at Fort St. George, 3d January 1820.

Read the following letter:

To the President and Members of the Board of Revenue, Fort St. George.

Malabar.

Gentlemen:—I have the honour of submitting to your Board certain papers, which may be considered to be not very remotely connected with the subject of your Board's letter of the 31st May last, regarding the sale of chermas, or slaves of the soil, for arrears of revenue, and as affording an instance of gratuitous interference in the management of the revenue administration, which, in my opinion, demands the pointed attention of the Board; an interference in a subject which the

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court of Sudder Adawlut has disclaimed on their part, as being the province of government alone to decide upon.

2.—As a distinct occurrence, there is little to attract notice, as it appears, on the first blush of the business, a simple attempt on the part of the revenue defaulter to dispose of his chermars to the best advantage, to enable him to pay his arrears of revenue; but, when circumstances are combined, to me there appears much more than meets the eye.

3.—The owners of the chermars state, that the chermars were in a manner sold to the parbutty; and this is corroborated by the deed of sale, drawn out in the name of the latter; and although the usual form had not been gone through, so as to complete it, and constitute it a valid sale, the parbutty had given a promissory note to give the inhabitant credit for a certain sum in his revenue accounts, as soon as the sale was completed.

4.—The owner of the chermars allows, that he had been offered within two rupees of the sum he wanted for the chermars, with the exception of a distant possibility of getting four old fanams, or one rupee more; yet these chermars are sent, on a distant journey, at an additional expense of two dependants of the parbutty, whose wants must, of course, be supplied at his, the parbutty's, expense; to which must be added, the further expense of feeding the chermars also; and it was not in the nature of probabilities that the sum of three rupees could do more than cover this, even if it did so much.

5.—The third judge submits to the provincial court, as an undoubted fact, the circumstance of the chermars having been offered for sale. Govindara, when questioned first by the head assistant, Mr. Holland, states, that he took the chermars direct to a place in the vicinity of one Cannen's (the zillah court seristadar) house, where he was fed, and sent direct to the third judge; and this is, no doubt, the information on which the third judge pronounces "the undoubted fact" to have occurred; but what induced the man Govindar to take the chermars to the house he did, is still a secret, which can only be solved by reverting to and analyzing facts connected with the subject of slavery in Malabar, already before government.

6.—It would, in my opinion, require no small degree of casuistry to reconcile the conduct of the parbutty, his followers, and the owners of the chermars, with the rules of common sense, if their views were supposed to be confined simply to the disposal of the chermars on the most favourable terms. The inference therefore seems not an unlikely one, that from the known opinions of the third judge on this point, and indeed on the revenue system in general, that the parties concerned expected to derive some benefit, although they might have had but a confused notion of what it might be; the owner probably expected to obtain by means with which he was not acquainted, a remission of the revenue, for the payment of which, distress apparently drove him to traffic in human flesh.

7.—Such an inference would seem to be almost conclusively borne out by the evidence that appears developed in the accompanying examinations which have been taken in the case by Mr. Holland and myself, otherwise, why should not the informant have reported to his own immediate superior, the zillah judge; or in the event of his having considered it a subject which the zillah judge could not in the first instance take cognizance of, it would have been more regular and natural to have reported it to the assistant magistrate or judge of sessions (acting judge Mr. Wilson) than to a judge at that time not sitting on any circuit business.

8.—The distress of every native is *astrite*, for I can find no word in English which comes up to my ideas of the expression artfully and craftily attributed to being over assessed; no allowances are made for waste, extravagance, vice and dissolufeness; and were a man to expend 100 rupees in an idle feast or pageantry, and declare his inability to pay his 10 rupees revenue, all would be attributed to over-assessment.

9.—While such benign feelings are aroused in favour of a revenue defaulter, whose distresses, arising from whatever cause, drive him to the sale of his slaves for the discharge of his arrears; under what pretext of imperative duty could a similar interference be extended to oppose the sale, private or public, of a similar description of property in satisfaction or execution of a decree of court at the suit of a relentless creditor; under what existing code or regulation could the provincial court of appeals interfere its authority on such an occasion? If the answer be, that their control, under the existing customs of the country, which the legislature has left uninvaded or unencroached upon, could not be legally exercised, I trust, that it becomes me in justice to myself and to the board of revenue, to protest against having

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having such extraneous and forced obstacles thrown in my way, to contend against in my collection of the revenues, as have been experienced by me on the occasion which has called forth this appeal, gentlemen, to your authority.

10.—Few men of liberal education are insensible of the barbarity of trafficking in slaves; but if we let our ideas of humanity run blindly away with our senses, we may be guilty of greater acts of injustice and oppression than justice and humanity; and whatever my own private feelings may be, I consider it my duty, both as collector and magistrate, to support and protect natives in the legal discharge of their ordinary and domestic legal duties and functions, however inconsistent with my own nicer feelings of humanity, leaving it to the legislature to enact such regulations for the protection of humanity, as in its wisdom it may seem fit; and once more to revert to slavery in the West Indies, I am much mistaken if our enlightened authority at home has not passed an Act legalizing the transfer of slaves in the West Indies from isle to isle.

Calicut, Dec. 25, 1819. (signed) *J. Vaughan*, Collector.

(A.)—Magistrate and Collector in Malabar.

Sir:—I have the honour of forwarding for your information, copies of a precept directed to me by the court of circuit, and of its accompaniments.

(siged) *T. Holland*, Acting Head Assistant Collector.

Tellicherry, 12th Nov. 1819.

Provincial Court of Circuit, Western Division, to the Acting Head Assistant Collector and Magistrate, in the Zillah, North Malabar.

Pursuant to an order of this court, you will herewith receive an extract from its proceedings under this date, to the orders contained, in which you are required to conform, returning this precept so executed, or good and sufficient reasons why it has not been executed; and what you may have done in pursuance hereof, in 24 hours from the date hereof.

By order of the court. (signed) *A. Wilson*, Acting Judge, &c.

Register's Office, Tellicherry, 12th Nov. 1819.

Extract from the Proceedings of the Provincial Court of Circuit in the Western Division, under date the 12th November 1819.

The third judge having reported to the court, that he has ascertained the undoubted fact, that there are at present two persons of the Pooliar or Chermar caste in this town, who have been brought up from their country in the chellanoor hobly talook of Calicut, for the avowed purpose of being sold to the highest bidder, to satisfy a revenue demand, and having obtained possession of the original attepet caranon, writing from their proprietor to Oroog-il-Chatoo Chantoo, as also an order under the signatures of the parbutty Orig-il-Chatoo and mookiestans of that hoobily, Mamallys Moossatha, and Chillapoorata Ooney Comarar Nair, to the persons who have brought up and are offering these chernams for sale, authorizing the act, it becomes an imperious duty in the court, to bring the circumstances to the notice of the acting head assistant magistrate and collector in charge of this town, and to direct, that no time may be lost in arresting the sale and eventual removal of these persons further from their native country. The writings under the signature of the proprietors, the parbutty and mookistnas, contain all the information in the possession of the court with respect to the names of the chermars and persons who have charge of chermars, and are therefore forwarded, together with English translations, to the acting head assistant magistrate, who is further directed to communicate the same, and the result of his inquiries and researches, to his superior the magistrate and collector, for his information and orders, and also to report to this court what he may have done in pursuance of this communication, in 24 hours.

(A true extract.) (signed) *A. Wilson*, Acting Judge for the Registrar.

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Attepet Olla Karoonam, executed in the month of Chingom, 994.

Annyan Arepoorata Ooney Koomaram Chindoo has made the assignment in writing of the attyper and neer (full proprietory right) of his ary kooadear cherman, named Casman, with the knowledge of his neighbours, before the then local authority, and his then nearest heir, and received their full value at the time; and Ooregal Chatoo Chundoo has taken the assignment in writing of the attyper and neer (full proprietory right) aforesaid, with the knowledge of his neighbours, before the then local authority, and his nearest heir, and paid their full value at the time. And to this effect this allepet olla has been executed and given, and in the like manner received; to this are witnesses sathawattam (all persons present), the writer and the person who read over and made the same known, being caratt chappan chappan.

(signed)

A writing by Ooroogvel Chatoo Menon Parbutty, of Chellunoor Webely, in Calicut Talook, Mammally Moossatha and Chellapoorata Oony Koomaran Nair Mookistars, of the wobely aforesaid, in Pallah Deshmum.

Whereas a pooleyan of the name of Feetma, and another named Carman, have been sent by Warja Kamoongul Ahmootty and Balata Gorinden, of the aforesaid wobely and tarrah, for the purpose of being sold. Now these pooleyans, having been attached on account of revenue, and on whom there are no takarar (claims) it is ordered, that no person, whether sirkar servants or otherwise, offer any impediment to them.

23rd Toolam 995. (signed)

P. S.—None of the patroles or others must offer any impediment.

(A true translation.) (signed) *A. Wilson*, Acting Judge for the Register.

N° 2.—To the Acting First Head Assistant and Collector in charge, Tellicherry.

Sir:—I have to acknowledge the receipt of your letter of the 12th instant, with its accompaniments, but must defer passing any decisive opinion on the subject until I know the result of your inquiries: It occurs to me, however, that it might have led to an immediate discovery of the truth of the facts brought to your notice, had you applied to the court for such information on the subject as might be in their possession.

You will be careful not to interfere with any private arrangement which the owner of the chermar may have made, or have it in contemplation to make, provided you are satisfied that the proposed sale is consistent with the common law and customs of the country; to ascertain which, I refer you to Mr. Commissioner Græme, from whom on application you can obtain a perusal of various documents connected with the subject of slavery in Malabar, and from which you will easily gather, whether the act alleged against certain persons is consistent with the laws and customs of the country or not.

I request you will, in the event of finding the people complained of, take their examinations in writing, and forward it to me.

Calicut, 13th Nov. 1819. (signed) *J. Vaughan*, Collector.

N° 3.—To the Collector in Malabar.

Sir:—In reference to my letter of yesterday, inclosing copies of a precept directed to me by the court of circuit, and of its accompaniments, I have now the honour of transmitting three original records of examinations, this day taken, of two persons, under whose charge the chermars in question were brought to Tellicherry, and of a peon attached to the revenue cutcherry at this station, together with the two also received from the court of circuit.

It would appear, from the examinations taken, that the chermars were sent to Tellicherry for the purpose of private sale; but as the gross prevarication of Govinden renders his statement suspicious, and leaves for the present the real merits of the case in obscurity, I have directed the parties concerned to repair to Calicut, in order that you may have an opportunity of ascertaining how far the chellunoor parbutty may have taken advantage of his official situation in furtherance of his private views.

(signed) *F. Holland*, Acting Head Assistant to Collector.

Tellicherry, 13th November 1819.

Fort St. George Papers: State of Slavery in Company's Territories.

To the Acting Head Assistant Collector in charge, Tellicherry.

Sir:—I have received your letter of the 13th instant, and regret that you should have ordered the parties alluded to therein down to Calicut until you had heard further from me on the subject. The examinations taken by you would have enabled me to ascertain the plain matter of fact, viz.; whether the proprietor of the chermars had voluntarily, and of his own accord, sent his chermars to Tellicherry for sale, in hopes of obtaining a higher price for them, or whether the parbutty or any other party had taken a culpable part and interest in the business now brought to our notice.

2.—The dictates of humanity ought only to be obeyed, when consistent with the justice of the laws laid down for our guidance; and if it should be eventually proved, that the owners of the chermars has acted in conformity to the laws and customs of the country, we have rendered ourselves liable to a prosecution, which must inevitably be given against us.

3.—Whether the immediate and ostensible reason assigned for selling the chermars be to pay the revenue is very immaterial; it is a sale made by the proprietor indirectly for the general purposes of relieving his necessities; at all events, the dignity of government would be better consulted by remitting the revenue than imposing an illegal *veto* against a man's disposal of his own property in a legal way, until some legislative act be passed on the subject, which would legalize any orders which may be issued in similar occasions.

4.—If the parbutty, with a view of assisting the defaulter, took the part he is said to have taken in this business, it will, in my opinion, in no way affect the question in a legal point of view, provided it was done with the consent of the proprietor, although I shall consider it as an act highly reprehensible in him as a revenue servant.

(signed) *J. Vaughan*, Collector.

Calicut, 15th November 1819.

N° 5.—Examination of Oshoakel Chatoo Menon, nephew of Changara Menon, aged 48 years, Parbutty of Chelanoor Hobly by profession, inhabitant of Pattitara Dehum Padinhaar Naad Hobly, in Kutnaad, taken on the 2d Wrischigour 995, M. S. or 16 November 1819, before the Magistrate.

Qucstion.—What is your name and profession?

Answer.—My name, Oshookil Chatoo Menon; and profession, Parbutty of the Chelanoor Hobly.

Do you know Arreepapoorata Oong Kutty Nair?

Yes, I do.

What is your reason for taking from Arreepapoorata Oong Kutty Nair the chermars, named Teytira and Kuman (his jehn property), on account of the Negudie, due by him, and for sending the said chermars to Tellicherry by your servant Govindar and Hobly Kolkar Amotty, for the express purpose of being sold there?

Early in the month of Toolan last, I had the jenn right held by Arreepapoorate Oony Kutty Nair, or the chermars called Teytera and Kauvon, transferred over to me for something better than 88 fanams, in consequence of the said Oony Kutty Nair not having paid his revenue for 994, and in order to help the said Oony Kutty, and that the revenue due by him may be realized, I on the 22d or 23d of Toolam charged a mopla, called Amotty, and one Govindan, who lives with me, to carry and dispose of the said two chermars to some one at Elletoor or Kapat, furnishing them at the same time with the jenn premanom passed in my name, and a writing that they may not be stopped on the road. This is what has taken place.

On what date and month was it that Oony Kutty executed to you the jenn premanom of the two chermars in question?

It was at the latter end of Rauny or beginning of Toolam 995, that Oony Kutty transferred to me his jenn right on the two chermars.

Where were the two chermars made to live from the time you purchased them to that of your sending them to be sold?

They continued with Oony Kutty from the time I purchased them to that of their being sent off to be sold.

Fort St. George Papers: State of Slavery in Company's Territories.

You have stated, that you purchased the said chermars for 88 fanams; did you give Oony Kutty credit for the same on account of the revenue due by him, and grant him a receipt?

I have granted Oony Kutty a patteya chit for 88 fanams.

Was the 88 fanams for which you gave him credit on account of the value of the two chermars?

Yes.

Have you any thing else to say?

Nothing. (signed.)

Oony Kutty Nair, the owner of the said two chermars, states, that he did not receive a single fanam on account of the said chermars, and that no credit was given him on that account; how would you account for this contradiction?

Credit was not given in the jenn chit; I passed him a simple receipt, binding myself to give him credit in jenn chit for 88 fanams.

Have the 88 fanams for which a receipt has been passed by you, been entered in the menon's account?

No. (signed.)

(signed) *James Vaughan*, Magistrate.

November 16th, 1819.

N° 6.—Examination of Arrepapoorate Oony Kutty Nair, nephew to the Magistrate, Oony Korasha Nair, aged 22 years, Cultivator by profession, inhabitant of Palatetarrail Deshun, Chelanoor Hobly, in Calicut Talock, taken on the 2d Urichiegom 995, M. S. or 16th November 1819, before the Magistrate.

Question.—What is your name?

Answer.—Parrapapoorate Oony Kutty.

Did you give Poliam Teytira and Poliam Kanan in charge of any one, for the purpose of selling them, or did you send them to Tellicherry; if you did so, state the particulars?

At the latter end of Toolum (the date I do not recollect) I carried my jenn slaves, Teytira and Kannon, to Osholkil Chatoo Menon, the parbutty of Chelanoor Hobly, for the purpose of selling them, in order that I may be enabled to pay the revenue due by me for 994, when the parbutty said, that he would wait for the negadee due by me until I could dispose of them to some one. I then told him, that no one of that place would purchase them, that I had therefore determined to send them to Tellicherry, as I would then get at least one fanam more, and accordingly I gave them in charge of Valate Addowaloor Hondan; but the parbutty, with a view to ensure the payment of the revenue from the proceeds of the sale of the said slaves, sent a mopla, by name Amootty, along with the said Kondan, and they were strongly recommended to dispose of them as advantageously as possible, and, as at Tellicherry this object would be better obtained, they were bid to proceed thither. This is what has taken place; I have not sold the slaves to the parbutty, or received any cash from him on their account.

Does the custom of the country sanction a jenmaker to carry his slaves to a place distant from that of their original habitation, in order to dispose of them there?

When there may not be people inclined to purchase slaves at their place of habitation, they are carried to distant places for that purpose.

How much did you instruct to sell the slaves for?

I recommended their being sold for from 20 to 22 rupees, and to exert their utmost towards trying to get at least 4 fanams more.

Did you promise to sell to any one in Calicut the said slaves, or did any one of that place apply to you for them?

I offered them to Kuttypoore Itteraripen, of Trevaloor, in Chelavoor hoby, and he said he would take them; but upon their being carried to to him, he offered from 18 to 20 rupees only.

What

What is your reason for sending them to be sold at Tellicherry, for as far as 22 rupees, while you had an offer of 20 rupees here, knowing at the same time that the expenses of the people whom you deputed for that purpose, would cost at least 2 or 3 rupees.

It was under the expectation of getting at least 4 fanams more, after deducting the expenses, that they were sent to Tellicherry.

Were you advised by any one to send the said slaves to a distant place, to dispose of them there?

I was not advised by any one to send the slaves in question in the manner I have done; as I was in want of cash to pay the negudee, I sent them.

(signed.)

(signed) *J. Vaughan*, Magistrate.

November 16th, 1819.

Question.—Did you tranfer to the parbutty the jenm right held by you on the two slaves above mentioned?

Answer.—A deed of sale in favour of the parbutty was executed, but the final arrangements were not concluded, nor any cash received; the deed besides was not witnessed.

Did you mention the jenm value of those slaves?

The parbutty offered to give for both the slaves 17 rupees, which not meeting my expectation, I refused.

Was the amount specified in the deed of sale?

It is not usual to enter in the deed of sale the amount of the sale.

What is the total amount of revenue payable by you; what part thereof has been paid, and what is the balance due?

The total amount for a year is 260 fanams; about 140 fanams has been paid on account; the revenue of 994, the remainder, stands against me.

Were the 140 fanams, said to have been paid by you, given in hard cash?

Yes, it was paid at different times.

Was any credit given you in the receipt by the patbutty, on account the slaves sold him?

Not a single fanam has been given me credit for on that account.

On what month and date was it that the premanom aforesaid was executed in the parbutty's name?

It having been engrossed on a stamped cadjan, which was purchased in 994, it was stated, on the day on which the stamped cadjan was purchased, but it was in the month of Kanny 995, that the deed was executed.

Did the parbutty give you credit in his account for 88 fanams, on account of the said slaves?

He promised to give me credit for such amount as may be realized by the sale of the slaves, when the same may be paid in; no credit was given on this account.

In what months was it that you paid the 140 fanams, and how much was paid each time?

I do not now recollect the month; at first I gave 10 rupees, second time 12 rupees, and this went on paying, but in no instance did the payment exceed 12 rupees.

Did you receive any cash from the parbutty, either on the date inserted in the premanum aforesaid, or on that on which it was executed, or was any credit given you at either of the dates in the receipt?

I have not received any cash from him, either on the date which was inserted in the premanum, or on that on which the same was executed, which was in last Kanny, nor was any credit given me on either of the two dates in the receipt or account.

(signed)

November 16th, 1819. (signed) *J. Vaughan*, Collector.

Fort St. George Papers: State of Slavery in Company's Territories.

Examination of Palat Govinden, Nephew to Chaloo Nair, aged 30 years, Cooly by profession, Inhabitant of Kanayengara, Chelanoor Hobly, in the Calicut Talook, taken on the 1st of Wrechigme 995, M. S. or 15th November 1819, before the Magistrate.

Question.—What is your name, and whom do you live with?

Answer.—My name is Palot Govinden, and I am living at Oshookeb Chootoo Menon's, the parbutty of Chelanoor being his servant.

For what purpose was it that you and mopla Anutty conducted Poleans Teytira and Kannam to Tellicherry; state the particulars?

One day, in the month of Toolam last, the date I do not now recollect, parbutty Chatoo Menon ordered me to conduct, jointly with Kalkar Amotty, the two slaves named Teytira and Kannan, to Tellicherry, and to dispose of them there. Accordingly, we started for Tellicherry, and on the first day of our journey the two slaves were made to live in Amotty's house, and I put up at Pootona Eroma Nair's house, and on the next morning we proceeded on to Tellicherry with the slaves, which place we reached at dusk, and put up that night in a mosque; the next day we moved, and put up in a banksall belonging to Chovakara, and in the evening we set out in quest of Karoomatil Itterare pa Menon, and having gone to the pukadoly found him there, and informed him that we had brought two Poliars to be sold, upon which he said, that Kannon Sheristadar would like to have them, and offered to give a note to him, and accordingly he gave a note, directed to Chinden Sheristadar (brother to Kannon Sheristadar), of the Customs, which, upon being delivered to the said Chinden, he delivered to Amotty another, addressed to Kannon Sheristadar, which was handed up to him on his coming out of the fort. Canon Sheristadar then said that he was in want of slaves, and that he would purchase those we had; accordingly, he took from us the premanum and rhadarry, about the chermakal, and desiring us to wait for him near the ferry, until he returned from Mr. Baber's. He proceeded to that gentleman's house, but immediately afterwards he said he could not take the slaves without giving previous notice at the Tuccady cutcherry, and for this purpose he delivered back to us the documents above alluded, and sent us to the Tuccady cutcherry; we were there asked, for what purpose was it that the slaves were going to be sold, and we said they were sent from Chelanoor by the parbotikar. We were then ordered, that they could not be sold there, and to return back to Calicut; and according we were both together, with the two slaves, sent to this place under charge of a kolkar.

You stated, when first verbally questioned, that on the day of your arrival at Tellicherry, you put up at a house, the name of the owner of which yo knew not; and that the slaves were made to live in a teyer's house; that you had no meal that day; and you have now said, that on the day of your arrival at Tellicherry, you put up in a mosque; how would you account for this contradiction?

On the day of our arrival we slept in mosque; it was through a mistake that I said when first questioned, that I lived at a nair's.

How could you say one thing to another?

I did not pay much attention.

What was the reason for your setting out in quest of the karoomattil Itteranpa Menon, immediately after your arrival at Tellicherry?

As I became acquainted with him, while he was living with Kellecanat Koonda Menon in Calicut, and having met with him in the bazaar, I mentioned to him about the affair.

November 15th, 1819, (signed) *J. Vaughan*, Collector.

N° 8.—Examination of Polea Cherma Teyetira, son of Narambara, aged 50 years, Cooly by profession, Inhabitant of Palnaad Tarrah, Chelanoor Hobly, in the Calicut Talook, taken on the 1st Wrischigem 995, M. S. on 15th November 1819.

Question.—What is your name?

Answer.—Polyan Teytira.

Who is your tampooran (master)?

Aripapoorate Oony Kutty.

Whom

Whom are you working for at present?

Oony Kutty tambooran not having paid his revenue, he placed me under the parbutty tambooran, and nine days ago, self and Poolean Kannon were sent to Tellicherry, under charge of Mopla Amotty and Govinda Erecha, for the purpose of being sold; there we stopped on the road one day, and the next day reached Tellicherry, where we continued four or five days, living at several places; at last, we we were taken to a place where there was a house, and from whence orders were passed, prohibiting our being sold there, and directing us to be taken back to this place.

Would it be a matter of grievance to you, if you were sold at Tellicherry?

As my wife is dead, and I have two children, who have no one else except me to take care of them, it would be a matter of regret to me, if I were to be sold at so distant a place as Tellicherry.

Where are your children?

They are with tambooram Oony Kutty.

(signed)

(signed) *J. Vaughan,* Collector and Magistrate.

November 15th, 1819.

Examination of Polacherma Kannon, son of Ittanari, aged 20 years, Cooly by profession, Inhabitant or Palnaad Tarrah Chelanoor Hobly, in the Calicut Talook; taken on the 1st Wrischegom 995, M. S. or 15th November 1819.

Question.—What is your name?

Polean Kannon.

Who is your master, and whom do you work for now?

My master is Aripapoorate Oony Kutty, and I am now working for the parbatty tambooram.

What is you reason for working for the parbutty, and for your being now brought here?

In the month of Kanny last, the date I am not certain, my master, from not having paid his revenue, placed me and Teytiran under the parbutty, and afterwards we were given in charge of the mopla Amotty Govindan, to be taken to Tellicherry, for the purpose of being sold there; and having been taken thither, we lived there five or eight days, and afterwards we were sent back to this place, because we could not be sold there.

Have you father, mother and brother?

I have my father, mother, and two sisters; they are still under Oony Kutty tambooram.

Would it be a matter of grievance to you, if you were sold to another at Tellicherry?

It would be a matter of regret to me to separate from my father, mother, and sisters.

(signed)

(signed) *J. Vaughan,* Collector and Magistrate.

15th November 1819.

N° 10.—Examination taken on the 29th Foolan 995, or November 13th, 1819, before the Acting Head Assistant Magistrate.

Question.—What brought you to Tellicherry?

Answer.—I brought two chermars, sent by Oshookel Chatoo Menen, Purbutty, of Chilanoor, for the purpose of being sold here.

Who else came along with you upon this business?

A person by name Palot Govindan is also come.

Who is the principal person who has been charged by Chatoo Menon to conduct the sale of the slaves; you or Govindan?

Govindan is the principal person, and I am instructed to attend to Govindan's orders.

Fort St. George Papers: State of Slavery in Company's Territories.

Who are you, and what is your profession?
I am a kalkur, of the Chela, now Hobly; my name is Washakanguel Omutty.

Where is your belt?
It is with the parbutty.

What is the reason of your coming without your belt?
The parbutty said not to put on the belt, and consequently it has been left behind.

Did the parbutty give instructions as to the particular person whom the slaves should be taken or sold to at Tellicherry?
The parbutty said to dispose of them to whomsoever would pay for them, but did not mention any particular person whom they were to be taken or sold to.

Is all that you heard read over to you, agreeably to what you stated?
Yes; there is no mistake.

(signed)

When did you come to Tellicherry?
The day before yesterday, about sunset.

(signed) *F. Holland*, Acting Head Assistant Magistrate.

Questions put by the Magistrate on the 15th November 1819.

Question.—Are you the parbutty's private or public servant?
Answer.—The parbutty give me the belt, and paid my wages hitherto; whether it is from his private purse or public cash, I know not. He gave me 5 fanams per month.

Are you in the habit of passing receipt for the amount paid you?
Yes; a receipt for 5 fanams is monthly passed upon Cadjan.

How many kolkars are there in that hobily?
There are 5 kolkars.

What are their respective names?
Kanaroo, Keenkapoo, Chenan, Rarapan, and myself.

Have all five of you belts and swords?
Yes, we have.

Nov. 15th, 1819. (signed) *J. Vaughan*, Collector and Magistrate.

N° 11.—Examination taken on the 27th Toolan, 995, or November 13th, 1819, before the Acting Head Assistant Magistrate.

Question.—What is your name, and who sent these slaves?
Answer.—My name is Palot Govindan; and the parbutty of Chielanor Hobly, by name Oshookel Chatoo Menon, is the person who sent them.

What for did he send the slaves?
For the purpose of being sold.

Are they to be sold by public auction, or by private sale?
His instructions were to sell them by private sale, and not by public auction.

Whom do the slaves belong to?
They are the jemn property of Arepapoorate Oonykoran Nair, who resides in Palate Hobly.

Is it for his own use, or that of Arepapoorate Oonykoren Nair, that Oskeohl Chatoo sent the slaves in question to be sold?
Arepapoorate Oonykoren Nair made over the slaves to Chatoo Menon, on account the revenue due by him, and the said Chatoo wishes to dispose of them to realize the amount of revenue due.

Did Oonykoren Nair voluntarily give away the slaves?
He gave them to Chatoo Menon of his own free will.

Are you Sirkar's servant, or Chatoo Menon's private servant?
I am Chatoo Menon's private servant.

Is

Is Chatoo Menon in the habit of deputing his private servants to dispose of any property, the sale of which is made to realize the revenue?

I am not certain whether he is in the habit of acting in that manner?

Did he order you to carry the slaves to Tellicherry, and to dispose of them there?

He did not say to carry them to Tellicherry.

When you were this morning verbally questioned, you stated that the directions you received were, "to carry the slaves to Tellicherry;" how comes this difference?

I did not say so.

What place did Chatoo Menon order you to carry the slaves to for the purpose of being sold?

He said to convey them to Tellicherry.

Did Chatoo Menon say, to carry them to Tellicherry, or to any particular person, or give any other orders; and did he send any letter addressed to any one at Tellicherry?

Chatoo Menon's instructions were to dispose of them to such person as may be willing to purchase them; no letter to any person residing in Tellicherry was sent, nor did he mention any particular person to whom the slaves were to be carried to.

When did you arrive at Tellicherry with the slaves?

It is four days since I arrived at this place.

Did you not say this morning when verbally questioned, that you reached this place the day before last, before sun set?

Yes, I said that I arrived at this place the day before last in the evening.

Then what made you say just now, that it is four days since you arrived at this place?

It was on the evening before last that we arrived.

At what place did you put up at Tellicherry?

The day before last in the evening, I had my canjee at the house of a kolkar called Chekoo, since then I had no meal nor put up at any one's house.

Is all that is read over to you agreeably to what you stated?

Every thing that I heard read over to me is agreeably to what I stated; there is no difference.

(signed) *J. Holland*, Acting H. A. C.

(N° 12.)—Examination of Sepoy Bacha, taken on the 29th Toolan 995, or 13th November 1819, before the Acting Head Assistant Magistrate.

Question.—What did Palot Govindan say, when questioned this morning as to the place he was directed to take the slaves to for sale?

Answer.—He said, that the Parbutty directed him to take the slaves to Tellicherry for the purpose of being sold there.

(signed) *J. Holland*, Acting H. A. C.

(N° 13.)—Examination of Bacha, son of Sheek Makdan, aged about 32 years, of the Mussulman caste, sepoy by profession, inhabitants of Tellicherry, taken on the 13th Wrischegom 995, or 27th November 1819, before the Acting Head Assistant Magistrate.

Question.—What did Govindan say, when he and one mopla (who brought two slaves from Calicut to be sold) were questioned by the acting head assistant collector, on their being taken to the said gentleman's house in the first instance?

Answer.—He said, that the slaves were brought to be sold at Tellicherry; that he knew no one at Tellicherry, and upon being questioned as to where he resided since his arrival in Tellicherry, said, that he put up at the zillah court Sheristadars, by name Cannan, and the same was said by the mopla who was along with him.

Is what you heard read over to you agreeably to what you stated?

What has been read to me is agreeably to what I stated; there is no difference.

(signed) *F. Holland*, Acting H. A. C.

Fort St. George Papers: State of Slavery in Company's Territories.

Sent the following letter in reply.

To the Collector in Malabar.

Sir:—I am directed by the president and members of the board of revenue, to acknowledge the receipt of your letter, under date the 20th ultimo.

2.—It appears to the board, that the interference of the court of circuit, with respect to the sale of the slaves referred to in your letter, may be justified on the grounds of the conduct of the native revenue and police officer being concerned in the transaction. As by the late orders of government, all native revenue servants who are also employed in police duties, are subject to the control and superintendence of the courts of circuit.

3.—It will be sufficient, if the orders of the board, conveyed to you in my letter of the 23d December last, prohibiting the sale of slaves for arrears of revenue, be communicated to all your native servants, and strictly enforced, with the private transactions of individuals, or with the orders of the courts of circuit, the board of revenue cannot interfere.

4.—The board presume, that any improper or unnecessary interference with the revenue affairs of your district on the part of the provincial or zillah court, may be prevented by an application by you to the court of Sudder Adawlut.

5.—As connected however with the subject of slavery in general, your letter and its inclosures will be submitted for the information of the Right honourable the Governor in council.

(signed) *A. D. Campbell*, Secretary.

Fort St. George, 3d January 1820.

Read again, also a letter received from the acting collector in the northern division of Arcot, dated the 23d, and entered in consultations 27th ultimo, on the foregoing subject.

Sent the following letter to the chief secretary to government, together with the above-mentioned letter and the foregoing correspondence with the collector of Malabar.

(N° 14.)—To the Chief Secretary to Government.

Sir:—With reference to my letter, under date the 13th ultimo, forwarding an extract from the proceedings of the board on the subject of slavery, I am directed by the president and members of the board of revenue, to request that you will lay before the Right honourable the Governor in council, the accompanying letters from the collector in Malabar, and the acting collector in the northern division of Arcot.

2.—Orders have been issued to the collector in Malabar, prohibiting the sale of slaves for arrears of revenue, as stated in the 48th paragraph of the proceedings above referred to, and a copy of the board's reply to the present letter from the collector in that province, is herewith submitted for the information of the Right honourable the Governor in council.

(signed) *A. D. Campbell*, Secretary.

Fort St. George, 3d January 1820.

Extract, Fort St. George Revenue Consultations, 7th February 1820.

Read the following Letters from the Secretary to the Board of Revenue:

(N° 533.)

To the Chief Secretary to Government.

N° 19. Sir:—I am directed by the president and members of the Board of Revenue, to submit to the Right honourable the Governor in council, the accompanying extract from their proceedings, under date the 25th ultimo, on the subject of slavery.

I have, &c.

(signed) *A. D. Campbell*, Secretary.

Fort St. George, 13th Dec. 1819.

Fort St. George Papers: State of Slavery in Company's Territories.

Extract from the Proceedings of the Board of Revenue, under date the 25th November 1819.

Read again the following Letter from the Secretary to Government in the Revenue Department:

From Mr. Hill, 28th April. In consultation, 13th May 1819.

Par. 1.—Referring for the consideration and report of the Board, extract from the proceedings of the court of Sudder Adawlut, together with the papers to which they had reference, on the subject of the sale by public auction of the slaves of revenue defaulters.

2.—On the receipt of the above orders, a circular letter was addressed to the collectors in the districts of Malabar, Canara, the northern and southern divisions of Arcot, Chingleput, Coimbatore, Madura, Salem, Tanjore, Tinnevelly, and Trichinopoly, calling for their report on the subject; and the replies of these officers having been received, it is resolved to proceed to the consideration thereof.

From Mr. Hargrave, 14th. In consultation, 21st June, 1819.
From Mr. Peter, 27th October. In consultation, 8th November.
From Mr. Sullivan, 24th June. In consultation, 1st July.
From Mr. Hepburn, 30th June. In consultation, 8th July.
From Mr. Cotton, 30th June. In consultation, 12th July.
From Mr. Hyde, 12th. In consultation, 20th September.
From Mr. Cooke, 31st July. In consultation, 9th August.
From Mr. Lushington, 1st. In consultation, 8th July.
From the Hon. T. Harris, 10th. In consultation, 19th July.
From Mr. Vaughan, 20th July. In consultation, 5th August.

Note.—From the northern division of Arcot no reply has yet been received.

3.—In Salem slavery does not appear to exist. The collector observes, "I can safely state, that in the manner referred to in these communications, there is no vestige whatever of slavery in this collectorate, nor has any such practice obtained from the time the country came into possession of the Honourable Company. During the Mussulman government, there were a few slaves belonging to certain Nunjah lands in the vicinity of the cauvery, and there are now some descendants of these people; but they are just as free as any other inhabitants. I have heard of one or two instances of a child being sold for the purpose of domestic slavery; but this is uncommonly rare, and otherwise such a circumstance as a person being sold as a slave has never transpired." Salem.

4.—In Madura and Dindigul slavery existed during the Mahomedan government. The slaves were sold at the pleasure of their masters, but they were not "adscripte glebæ;" not necessarily sold whenever the land was sold. The collector's words are, "When a puller or parriah was unable to gain a livelihood, he was accustomed to offer himself or his relatives as slaves to the cultivating inhabitants, for a sum of money varying from one to ten cully chuckrums, when a bond of slavery was drawn out and signed. If they married, their children were considered the property of the owners, and they were employed in the cultivation of land, and were maintained by the owners, who frequently, for their services, would grant them a soluntrum, or allowance in grain, in addition to other allowances. If the proprietor of land was obliged to dispose of the whole of his lands, he still retained possession of his slaves, and disposed of them as he pleased, they not being considered attached to the land thus sold. If an owner was unable to maintain his slave, he could let him out to others, by which means he frequently derived a maintenance both for himself and slave; but the slave was obliged to return to his master whenever he required him, who could mortgage or sell him at pleasure. Since the assumption of the country, some slaves have continued with their masters; others have left them, and have even enlisted as sepoys. I cannot discover that any puller has sold himself as a slave of late years. Indeed, slavery altogether seems gradually disappearing, which may be attributed to the knowledge that it is not encouraged in the different courts of justice. Some pullers cultivate their own lands, and have their own puttiams. Those who cultivate the lands of others, and who are not slaves, receive a regulated hire." Madura and Dindigul.

5.—In Coimbatore slavery is reported to exist "but in a very few villages." Coimbatore.

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The collector observes, " From all that I can learn, it appears certain that the owner has a right to sell his slave without the land; but that it is a right very seldom, if ever, exercised. The highest price for a good slave is 50 rupees; the price, however, is seldom so high. The children of slaves are born slaves. On the birth of a child, the master presents the parents with clothes, and one or two rupees.

" The masters are supposed to be vested with despotic authority over their slaves, and with power to punish them. An apprehension, however, that the exercise of such authority is not permitted by the British government appears generally prevalent, and rather operates to prevent the merchandize of slaves, as they are considered to be less valuable when free from the fear of punishment. There appears reason for thinking that the slaves are, on the whole, better treated by their master than the common class of free labourers.

" The masters possess a power, not only over the person, but over the property of his slave, and he may make use of the cattle reared by the slave for agricultural purposes. The slaves are sold with the land; but if they should object to serve another master, they are not forced to do so. This, however, I take to be an indulgence of the master, not a right of the slave.

" The slaves have a share of the produce allotted for their subsistence, about an eighth. In some instances, land has been made over to the pullers, which they cultivate for their support.

" In many places, where slavery does not exist, a species of bondage is introduced, by the ryots undertaking to bear the expense of their puller's marriage, upon condition of the latter binding themselves to serve the ryots exclusively for life.

" Slavery may almost be considered as extinct in Coimbatore, as the epidemic has carried off many of the slaves, and the number was always inconsiderable."

Tanjore.

6.—In Tanjore slavery exists; but, as in Madura and Dindigul, it is founded, in the first instance, upon voluntary contract. The slaves are never seized or sold for arrears of revenue.

7.—The collector's words are: " The slaves here are of two castes only, the Puller and Pariah; and, as before said, the origin of their bondage arises in a voluntary agreement on their part, to become the slave of some other man more powerful than themselves, upon whom they thus impose a more strict obligation to protect and maintain them and their families, than if merely serving them as labouring servants. The Bramins, in consideration of their caste, do not receive these bonds of slavery directly in their own name, but have them generally drawn out in that of some of their soondra dependents. When a bond of slavery has been given, it ceases not with the life of the party, but is binding upon the descendants of the original giver, who continue bound by the conditions of it likewise. In return, the owner is obliged to find subsistence at all times, and under all circumstances, for the family of his bondsman, whom he can employ in any manner he pleases, although it is generally, as a labourer in the fields. The bondsman does not reside in his master's house, nor form any part of his family, but has a house provided for him along with the others of his caste, to which a back yard of eighty goontahs rent-free, is attached, the same as other labourers. The master has the power of selling the slave, but he cannot sell him to any one who will carry him to a distant part of the country, without his own consent. If the master, through poverty or other cause, fails or becomes unable to subsist and protect his bondsman and his family, he is at liberty to seek employment as a free labourer elsewhere, but is liable to be reclaimed at any time by his master, when he may be again in a condition to fulfil his part of the agreement. When lands are sold in any way, it is always independent of the bondsmen, if any, upon it. If they are, likewise, to be sold, separate deeds of transfer are passed. If not, they continue attached to their former masters. No persons of this description have ever yet been considered as seizable property, or sold for an arrear of revenue, nor do I believe, ever by a judicial decree in any civil cause, nor have I ever known this species of property recognized by the officers of government, although it is by the natives themselves, in their transactions with each other.

" On the part of the bondsman, his rights are subsistence and protection for himself and family from his master, with liberty to seek it elsewhere, as a free agent, if not found him, and the right of not being removed by sale to a distant country, from the place of his birth. With regard to himself, personally, his treatment from his master is the same as that of his other labourers, which is in general, of a mild nature; but he is not more liable to personal punishment than others, in consequence of his state of bondage; and any cruelty or abuse of authority on the part of the master

master towards his bondsman, would be complained against, and punished with equal strictness, as if committed upon a free man. Fort St. George Papers: State of Slavery in Company's Territories.

" Upon the whole, therefore, the Board will perceive, that the condition of these people differs very little from that of the common labourers, and that the treatment to both is nearly the same. The disadvantage to the bondsman, is the power of being sold or transferred to other masters; and this, I believe, is not very frequent, as it is the last property, generally, which is disposed of by a person in distressed circumstances. The advantages are, the more effectually securing subsistence and protection to themselves and families, particularly in times of trouble or difficulty, than it is binding on masters in general, to bestow upon common labourers, and this without rendering their condition in any degree intolerable, towards the amelioration of which, the equity and mildness of the British government have greatly operated, in respect to rendering the conduct of masters to their servants, indulgent, forbearing and kind.

" I do not find, that the system of slaves attached to the soil and transferrable by purchase as appendages to the land, obtains here."

TINNEVELLY: 8.—The circumstances attending a state of slavery in Tinnevelly are thus described by the collector: " From all the information I have been able yet to collect on this subject, I understand, that it is usual in this district for slaves to be sold or mortgaged either with the land or separately, as the proprietor pleases, or his wants require, and that there is no particular rule or general custom, by which the conduct between the master and slave, and between slave and master, is governed, further than that the master has at all times the command of his slave's labour, and that the slave cannot work for any other person without the permission of his master. Tinnevelly.

" In regard to the treatment of masters towards their slaves, it does not appear to be incumbent on them to afford a subsistence to their slaves, except when employed in their business, and then it is on the lowest scale of allowance, being generally no more than two measures of paddy per day. At other times their slaves are obliged to seek a livelihood at the hands of others, being bound only to return to their masters when the season of cultivation again commences. Besides this allowance, however, which the slaves receive from their masters on working days, they are entitled, when the crops are reaped, to a small deduction from the gross produce, called here 'Paroo,' which varies in different villages, but amounts generally to about 23/8 per cent; and it is usual, when deaths occur among them, for their masters to assist them in the necessary funeral expenses, and on marriages, births and festival days, to grant them presents, according as their circumstances will admit; but these are acts quite voluntary on the part of the masters, and the slave, it appears, can claim nothing more than a bare subsistence while he works, and his soluntrum, as above described, at the time of harvest.

" All punishment of the slave by the master, if this power ever existed, and was recognized in former times, seems now to be at an end; and there is no instance, I am happy to say, within my experience in this district, of a slave complaining of ill-treatment from his master. The fact, indeed, appears to be, that the slave is so necessary to the cultivation, and labourers are so scarce, that the proprietors find it their interest to protect and treat them well; and the slaves in time become so attached to the village in which they are settled, that they seem not to consider their situation, nor to show any desire to be free and independent.

" In calling upon the tehsildars for an account of a person's property, to know whether he is a fit security for another, it is usual, if he possesses slaves, to include them, a male slave being estimated in value from * 3 to 15 C. Chuckrums, and a female from † 3 to 5 C. Chuckrums; but I have always rejected them in the account as unavailable property by the circar, and none have ever been sold in this district for an arrear of revenue."

* R. $6\frac{93}{175}$ to $31\frac{200}{175}$.
† $6\frac{93}{175}$ to $10\frac{115}{175}$.

SOUTH ARCOT: 9.—The collector in the southern division of Arcot thus described the state of slavery in his district:— South Arcot.

" The slaves in this collectorate are most of the Pully and Pariar castes, and the majority of them are chiefly devoted to the pursuits of agriculture.

" The number of slaves of both sexes, including children, amounts to upwards of 17,000 in this district, and they appear to have been generally born in a state of servitude, through some contract of their forefathers. The Hindoo code of laws, religious and civil, seems, however, to declare that the Soodra tribe are naturally born in a state of servitude; and although some of the superiors of the sub-divisions of that tribe in modern days, have emancipated themselves from this degrading thraldom, yet the lower castes are always looked upon as natural slaves, the pro-

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perty of any person who contributes to defray their marriage expenses, which is the ordinary way at present of constituting hereditary slavery.

"Previously to the assumption of the Carnatic, the owners of slaves were empowered to punish them, either by castigation or confinement, for any misdemeanor or fault, at their discretion, but that power, subsequently to the British administration, has ceased to be exercised.

"The possessions and the acquisitions of slaves are generally considered to be the property of their masters, who, however, usually relinquish them to the family of the slave.

"Slaves cannot enter into any matrimonial connection without the consent of their owners, who, as they defray the expenses of the marriage, virtually revive the contract of hereditary bondage, for the offspring of slaves are always regarded as the property of their father's owner.

"It is stated, that the slaves of this district can be sold by their owners to any person and to an alien village, and that no slaves are attached to any particular soil or village; but I am induced to believe, that such a practice is at variance with the rights annexed to the state of real bondage, for in some Meerassi villages, it is known that the Meerassidars have advanced pretensions to possess an equal proportion of the slaves with their share of the villages, and I also believe that such a practice is hardly ever resorted to. The price of a male slave and family, when sold by their owner to another person, varies considerably, and ranges from 10 to 50 pagodas.

"The owners of slaves are required to provide them with food and clothing, to defray their wedding expenses, and to assist them on the births of children, and in their funeral charges. The food differs according to the opulence of the owner, but is always sufficient for subsistence, or the owner permits the slave to serve elsewhere during his poverty. The clothing is very scanty, except when the slaves are chiefly employed for domestic purposes; and I cannot discover, that the apparel is designedly calculated to portray the class of the wearers.

Original.

"The duties of slaves are to attend the cattle and agriculture, and to assist in domestic services, connected with the house or person of their owners.

"It does not appear that enfranchisement of slaves ever takes place; yet as some owners have been reduced to indigence, and are unable to employ or subsist their hereditary slaves, those persons are ostensibly free, and labour for any person who will employ them. Cases of emancipation occur in the extinction of the owners families; and from this description of Soodras, who still sacrifice their liberties, modern slaves are constituted, for they are mostly very needy, and consent to perpetual and hereditary bondage for about 20 or 30 pagodas, which the cultivator advances for the celebration of a marriage ceremony. In no instance, I believe, do engagements exist where a labourer discharges such a loan by his manual labour.

"Numerous examples occurred in former times, I believe of Mahomedans purchasing Hindoos as domestic slaves, whom they circumcised and converted to their religion; but I am informed these cases are rare now. Bramins and other superior classes purchase Soodras also for domestic purposes, and the persons so purchased, are constituted hereditary slaves. The class of dancing girls are also in the habit of purchasing young girls, chiefly from the Kykulla or Weaver caste, for the purpose of educating in their profession; and the children of those girls, if females, continue to form a portion of the company to which their mother was attached.

"The foregoing are the chief particulars of the information I have been able to collect upon the subject of the slavery, as it obtains in this district, to which may be added, that owners of slaves are bound to protect them in sickness and old age; and although the state of servitude is ever repugnant to nature and humanity, yet I do not hesitate to express my opinion, that the state of bondage, as it prevails in India, is free from many objections that exist against the West Indian slavery; for here the convention is mutual. The slaves enjoy the purchase money, and are not compelled by oppressive power to become bondsmen in a foreign land; and as their contracts proceed from themselves, the odium annexed to the despotic mode of constituting slavery in Africa is obviated."

Chingleput.

CHINGLEPUT: 10.—The Board have extracted such parts of the report of the collector in the zillah of Chingleput as relate exclusively to slavery; the rest of his letter relates principally to the mode of conducting the cultivation by the Merassidars, and the privileges assumed by them, and may hereafter be taken into consideration, if necessary.

11.—On the subject of slaves, the collector observes, "this latter description (namely slaves) were formerly only possessed by Vellairs, but subsequently both by Reddies, Camavars and other Soodras.

"This

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" This vassalage still exists in some degree in this district, it may therefore be acceptable to demonstrate the system under which it is carried on; which I shall endeavour to do, as far as my own observation and the information I can obtain will admit.

" The Pariahs of this district, denominated Adami, (the Tamul name for a slave,) have long been in vassalage to the Vellairs, and they have subsequently been possessed by Reddies, Camavars, and other descriptions of Soodras, but are never owned by Bramins.

" The mode of obtaining these adami is by their voluntary disposal of themselves, either for a sum of money, or upon some other agreement, in consideration of which they pledge themselves to service, and are at the disposal of the purchasers, either for resale, mortgage or gift; and whenever transferred, are ever considered as slaves, and compelled to labour upon receiving subsistence and raiment, provided such labour be not of a nature derogatory to religious prejudices. These persons are not in any away attached to the land, but are the property of the individual, and may by him be called away for cultivation in other parts, or for other duties which may be assigned to him.

" In thus submitting himself to vassalage, he involves for ever his posterity; but the claim to his children does not always rest with his immediate proprietor.

" In the event of his marrying with one of the families belonging to his master, the children all become his property; but should he marry with a female slave of another person, the children of such marriage mostly become the property of the proprietor of the female, though in some villages the custom is otherwise; and in the event of a female slave having children previous to her marriage, their disposal depends upon the custom of the village, as they sometimes become the property of her master, and are sometimes made over with herself to her husband upon their marriage.

" Those employed in the cultivation of the lands, and to which this report principally refers, have, for the most part, their allowances regularly rendered to them; so much grain being granted to each labourer, and a proportionate subsistence for each of his children or others of the family. They are housed and clothed; and during the principal festivals, certain other allowances are made them both in money and articles required for their ceremonies. Their marriages are also performed at the charge of their masters; and when reduced by infirmity, they are also supported by their proprietors.

" The condition of this description of people, composing the chief part of the Pariahs of the district, has of late years considerably changed. This may, in a great measure, arise from the vicinity of their situation to Madras, where this system is known to be abrogated. Many of them there obtain employment, and their proprietors would find it difficult to reclaim them; and the regulations have so far circumscribed the authority formerly exercised by the proprietors over this description of their servants, that they cannot keep them under control as heretofore, when the power was vested in them of inflicting very severe corporal punishment, or confining them for the neglect of the duties assigned them; and I learn, that in former times the discipline exercised by the proprietors over their slaves, was of a very severe description. The proprietors now finding themselves incapable of employing their services, or rather to control them as arbitrarily as heretofore, complain less of the loss of this description of property.

" The adami, or slaves, are also possessed by many of the Vellairs, &c. who are sookavasies, and who have long established themselves in the cultivation of particular villages; but their situation in such cases is similar to those in the service of other soodras.

" I have made a particular inquiry relative to the claims said to be admitted to the pariahs and pullers, as noticed in the 14th paragraph of your Board's minute, but cannot find that any allowances are in this district accorded to them, except pooreallum, calavasen and alund-adey. I believe there are some instances, where meerassy has been claimed by reddies, or other sookavasies, upon the plea of long occupation, and in which they continue undisturbed.

" The sale of adami has been, I believe, of late years, discontinued, or of very rare occurrence; and in these parts no attachment of such property has, I fancy, ever been made on account of the dues of government."

Trinchinopoly.

TRICHINOPOLY: 12.—The collector in Trichinopoly has discussed the subject at some length; but as his observations appear to be worthy of consideration, the Board have thought it proper to transcribe the whole of them.

" In pursuing this inquiry, I shall proceed to discuss the following points:—

1st.—" The origin of pullers, or agricultural slavery.

 2d.—" The

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2d.—" The number of pullers in Trichinopoly, and the nature of the services they are bound to perform.

3d.—" Their rights, privileges, and emoluments.

4th.—" Whether they are well or ill-treated, and the policy or otherwise of doing away the establishment."

The Origin of Pullers, or Agricultural Slavery.

" It is, I apprehend, indisputable, that in the earliest ages of Hindoo government, agricultural and domestic slavery existed to a considerable and indefinite extent. The practice was sanctioned by prescription, and upheld by law; but it will be found, that the terms of bondage, and the nature of the services required from the slaves, differed essentially in almost every district.

" No distinct information can be obtained at what period agricultural slavery commenced. It is now impossible to trace, whether this establishment took its rise from the voluntary submission of the indigent to the wealthy, or, whether the pullers were originally captives taken in war. But as this species of bondage is generally the concomitant of barbarous governments, it must of necessity have been a very antient institution of the Hindoos. Under their arbitrary government, the distinctions of caste were scrupulously maintained; and adverting to the circumstance of the meerassidars in Trichinopoly being Bramins, it scarcely excites surprize, that agricultural slavery should exist here unchanged and undiminished."

The Number of Pullers in Trichinopoly, and the Nature of the Services they are bound to perform.

" In the wet districts of Trichinopoly, the number of pullers may be stated at 10,000, including those employed for the purpose of watching and feeding the cattle. In the dry districts, there are about 600; but I must here observe, that *pullers* are *only* to be found in those villages where there is paddy cultivation. The pullers of the dry districts appear to be liable to the same rules, and to possess the same rights, as those of the wet districts.

" The services they perform are chiefly confined to the irrigation of the land in its several stages of cultivation; but their services are also occasionally required by their masters in the menial offices of their household establishment. If a wall or pundall is required, the pullers are obliged to erect it without any further recompense than their usual and established emoluments.

" The pullers are usually sold with the land; but there are many cases in which they may be purchased, independent of the land. The price of a puller varies from five to ten pagodas, according to his age and qualifications. Their services are also occasionally mortgaged, as corroborative of what I advanced in the latter part of paragraph 3; a puller or female puller is never sold; while it would appear, that in Malabar, men, women and children are sold indiscriminately."

Their Rights, Privileges and Emoluments.

" The pullers are supposed to be entirely supported by their masters, in sickness and in health. Their marriages are made at the expense of the meerassidars, as well as the expense of their funerals. They enjoy some little gratuity at every birth, and receive a certain established sum at the principal Hindoo festivals.

" I have noted in the margin * a list of the yearly emoluments a puller is properly entitled to receive, and these emoluments, though small, I have every reason to believe are scarcely ever withheld.

" Whether they are well or ill-treated, and the Policy or otherwise of doing away with the Establishment.

" I have examined the pullers themselves on this subject, and asked them what course they would pursue, if ill used. They replied, they would seek other masters at a distance, who would treat them more kindly. In corroboration of this fact, I have never received a complaint, either in my fiscal or magisterial capacity, since my appointment to this district, from a puller against his master. The right of the puller is so distinctly defined by custom, and the interest of the meerassidar so substantially affected by the good conduct and health of the

* The extent of cultivation to be made by a puller and by a pullee, is 150 cullums of paddy.

Annual Emoluments:

Warum of a puller cul^{s}	–	8	5 3/4
D^{o} of a pullee	–	6	6 1/4
	–	15	– 1/8
Batta at the commencement of each fusly for ploughing		2	4
Soluntrums for sowing	–	–	6
Reaping share a' 5 per cent	–	7	6
Thrashing d^{o}	–	1	–
Pongal feast	–	1	–
Duparaly d^{o}	–	–	– 1/8
Gramadava d^{o}	–	–	1 1/8
Total annual	26	1 1/8	5 5/8 fs.
Proposed addition of warum a' 2 per cent	3	–	–
	29	1 1/8	5 5/8 fs.

the puller, that it is hardly possible to suppose the meerassidars would be so blind to their own interest as to cause their pullers to abscond, or by harsh treatment reduce them to sickness.

Contingencies estimated:						
For a marriage	-	-	-	-	4	– rs. 8
For a birth	-	-	-	-	–	2 fs. 2
For a death	-	-	-	-	–	2 fs. 2
					4	4 rs. 8 4
Total	-	-	-		33	5 5/8 rs. 9 fs. 1 1/8

" From what has been already stated, it will be found that agricultural slavery has existed in this district from time immemorial. I shall now submit my opinion, as to the policy, or otherwise, of abolishing the establishment.

" There is something so revolting and abhorrent to an Englishman in the idea of slavery, that the advocates for its continuance *in any shape* must ever labour under the disadvantage of pre-judgment. Notwithstanding this, I shall endeavour to show, that so far as relates to the revenue of this district, (and I trust my opinion will not be supposed to extend further), the abolition of the puller system would be attended with the most serious and ruinous consequences.

" It has been the custom to describe the pullers as the lowest order of society, involved in wretchedness and misery, and reduced to a condition, ' scarcely superior to that of the cattle which they follow at the plough.' In Malabar, it would also appear, that the human form has even changed its wonted appearance, and that the slaves are distinguishable by their diminutiveness.

" This theme holds out a fine subject for declamation; but so far as it relates to this class of people in Trichinopoly, it is highly erroneous, inasmuch as there is no class of people generally so athletic or tall in stature as the pullers.

" It may possibly be urged, that there is something degrading in a government being concerned in selling human beings, ' like to so many cattle.' It would, perhaps, be better if it could be avoided; but so long as the land continues possessed by Bramin meerassidars, who, by the immutable laws of caste, are prevented personally exercising the offices of agriculture, I see no possible means of collecting the revenue, nor of cultivating the land, without the establishment of pullers. Divesting this discussion of national feeling, the most obvious inconvenience and evil which attend it, are, that a man, for the sake of food and the other necessaries of life, is condemned to perpetual labour. I exclude all unreasonable rigour on the part of the master, because I have already shown, that the ruling principle of human conduct, self interest, is conducive, in the present instance, to soften severity. But whether this obligation to perpetual labour, on the part of the puller, is not fully requited by a perpetual certainty of maintenance (for which those who work for hire are often at a loss) may, I think, be fairly doubted. It is, however, possible, that the advocates of freedom may think with Cicero, and the third judge in Malabar, ' Mihi liber esse non videtur, qui non aliquando nihil agit.'

" For the sake of argument, however, I will suppose, that by proclamation of government, the establishment is directed to be abolished. In this case, I apprehend the direct consequences would be, either an immediate desertion of the pullers in a body, or that they would remain in *statu quo*. The first would be the natural conduct of any class of society having experienced ill usage from their former masters, and the latter course would be adopted by the pullers, if they had no reason to complain. If the pullers absconded, it is clear that no revenue could be collected; for who is to supply their place? And in this case, would government have any claim on the meerassidars? The latter would naturally say, you have taken away our means of paying; you have reduced us to poverty; you have abolished an establishment which has existed for ages, and have thought proper, at our expense, to emancipate our slaves, which prescription and our laws made as much our property as the houses we live in. By the laws of our caste, we are prevented tilling our land; and yet you ask us to pay a revenue, which alone can be paid from its produce.

" On the other hand, should the proclamation have only the effect of leaving things as they are; if the pullers remained with their masters as heretofore, the only benefit resulting therefrom would be, that government had published a proclamation, without any attention being paid to it. It would be at best a useless, if not a dangerous document. Hence to emancipate them entirely, would be ruinous in its consequences, both to the revenue and the puller; for emancipation in India would confer no rights beyond what the puller at present enjoys. Though nominally emancipated, he and his children would remain the lowest order of society; he would either continue at the plough, possibly under less favourable circumstances than at present, or seek a livelihood by more daring means. In short, I have no doubt, as justly observed by the Board, that ' it might be dangerous too suddenly

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to disturb the long established relations in society subsisting between those two orders.'

" While I have endeavoured to point out the danger which might probably result from the emancipation of the pullers, and that it would be ' productive of evils for which no adequate remedy can be devised,' I take the liberty of suggesting to the Board a method by which the situation of this industrious order of society might be permanently and substantially improved, without resorting to legislative enactment. The sacrifice, on the part of government, would be trifling and inconsequential, compared with the benefits which would certainly accrue to the pullers. Should the Board think proper to adopt the recommendation, it would be a sacrifice, in my opinion, worthy the liberality, and consonant to the wisdom of government.

" By a reference to the list of emoluments, it will be found, that the established warum of the pullers amounts to 10 per cent. By adding 2 per cent to this warum, the situation of the pullers would be greatly benefited, and the expense to government would be (taking the revenue of the wet districts in round numbers) not more than 2,000 pagodas per annum. This sum would materially tend to the comfort of 10,000 people, by whose industry and manual labour the country is cultivated, and who, in point of fact, are the creators of revenue; for it must be admitted, that although the meerassidars are the payers of the revenue, receiving a larger warum than the creators of the revenue, yet still they are an idle, useless race, ' born to consume the fruits of the earth.' "

Canara.

CANARA: 13.—The collector in Canara states, " that the origin of slavery in " Canara, is to be traced from extracts from an ancient book, called Sheehadry Pooranum, but by no means an authentic record."

14.—This treatise is stated to contain a fabulous narrative, which, when divested of its oriental imagery and metaphors, will be found to attribute the origin of slavery in Canara to the right of conquest.

15.—The Board propose to pass over the details taken from the Sheehadry Pooranum, and proceed to transcribe such parts of the collector's report as relate to the present state of slavery in Canara.

Right of sale.—" The right of sale was, and is still, the master's exclusive privilege, either with or without the land. The price varies, and is settled amongst the purchasers and sellers. The usual rates are as follow:—

For a strong young man, from 12 to 26 rupees.
D° a strong young woman, 12 to 24 rupees.
D° a child, never under four rupees.

" It is customary to pass a bill of sale, on a bargain being made, or a mortgage bond.

Note, in charity, or to the pagoda.

" The transfer, by purchase or gift, is attended with a short ceremony, both between the seller, or giver and receiver, and the slave. The slave drinks some water from his brass basin, and calls out, " I am now your slave for ever." The zillah court, I understand, has guaranteed this right by decrees, both on transfer of landed property or on sale, in execution of decrees."

Peculiarities.—" The master can lend his slaves out on hire. He can sell the husband to one person, the wife to another. This is not often done, because neither of the purchasers can be sure of keeping his purchase. Thus the great law of nature seems even in these humbled creatures, to be acknowledged by their owners. Care is always taken in purchasing, not to carry the slave to any distant estate; their attachment to the soil on which they were born, being well known."

" The master can sell the children; but this is seldom done, from the foregoing cause, the fear of desertion."

" The master, according to his means, feeds and clothes his slaves. He never pays them wages in money, but presents them, on their marriages, or particular ceremonies, with a small sum. The quantity of food and clothing to a slave, varies in every talook. It does not seem to be regulated by any rule, although it would appear that some original quantum obtained. The average may be thus estimated:

	FOOD.	CLOTHING.
A man - -	½ Canara seer coarse rice, two rupees weight salt, a little beetle nut and leaf	Two pieces of cauthey, six cubits. In some talooks, a coombly and roomal given.
A woman -	1 seer	1 d°, seven cubits.
A child - -	¼ d°	1 d°, four d°.

" The

" The salt, beetel, &c. is optional. It is also customary to give them conjee from the master's house. From every inquiry, I cannot learn that any want or cruelty is experienced by the slaves, the master being well aware, that, on any ill-treatment, shey will desert him ; and that the trouble and expense attending their recovery would perhaps amount to the value of the deserters." Fort St. George Papers: State of Slavery in Company's Territories.

Rights and privileges of the slave.—" Slavery seems to be inconsistent with rights and privileges, if I understand the correct meaning of the terms. On these points, therefore, I can only generally state, that the dhers of Canara possess none."

Peculiarities.—" As a distinct class of people, they have distinct customs. These consist in their marriages and religious ceremonies ; they have no day which they can call their own. It often happens, however, that a kind master, on any of his great ceremonials, grants to his slaves that day to themselves, and free from all labour. They accompany the corpse of their master to the funeral pile, at a respectful distance, shave their heads, and cry out. The cloth which covered the corpse, is given to slaves. The twelve classes have different customs. A dher can be turned out of his sect, if he eats the flesh of a cow, by an assembly of the caste ; but it is of no consequence to the owner. Some classes eat cows flesh. A few in the Byr Holler learn to write. If a dher accumulates a little real or personal property, he retains it independent of his master. The dhers either burn or bury their dead. The master of a deserving slave sometimes gives him a slip of ground, which he may cultivate for his own use. He also enjoys the produce of such trees, roots and vines, as he is permitted to plant ; but the right in the soil or tree, is in the master."

" They sacrifice to the devil only ; they have no priests performing their ceremonies themselves. These are three times in a year ; they cannot ever perform them without the master's permission ; for as they are prohibited borrowing money from any one but himself, they are compelled to get the means from him. The same applies to their marriages. There does not exist any interference on the part of the master in the ceremonies ; but if the slave of one man marries the female slave of another, the child born of that marriage, if a male, goes to the owner of the male, and *vice versa*."

" The number of slaves of all descriptions in Canara, has never been correctly ascertained ; they may be estimated at eighty-two thousand."

16.—MALABAR.—In Malabar (exclusive of Wynaad) the number of slaves is estimated by the collector at one hundred thousand. Malabar.

Par. 6.—" They are, says the collector, slaves of the soil, and are generally attached to the land of the proprietors of the ground on which they were born ; but this is by no means considered an essential point, being frequently transferred by sale, mortgage or hire."

17.—In Malabar, as in the West Indies, a man's wealth is as much appreciated by the number of his slaves, as by any other property he may possess."

" In one sect they observe, what in the documents which accompany this is termed makka-tye ; in another they observe the marra makka-tye ; the former being the common laws of kindred, the latter similar to the customs among the Nairs, in which inheritance goes to the sister's son, and this constitutes the value of a female of one caste over that of the male, and *vice versâ*, a male being being more valuable where the progeny goes with him.

" The marriage contract is made entirely among the parents of the parties, without any interference on the part of the proprietor, to whom, however, it is necessary to make known the proposed connexion.

" No valuable consideration is given by the male for the possession of the female to the owner. The contract may be dissolved at the pleasure of the parties connected, in which event the husband takes off the marriage necklace (commonly composed of shells or brass ornaments), which makes the dissolution complete, and each are at liberty to form new connexions ; but whilst the contract lasts, I have had opportunities in my magisterial capacity, when an assistant in the courts, of observing a wonderful degree of jealousy and tenaciousness of family honour, when contrasted with the general appearance, habits, and apparently brutish stupidity of these castes.

" The measure of subsistence to be given by the proprietor is fixed, and he is bound by the prescribed customs of the country to see it served out to them daily. A frequent failure on the part of the master to perform this duty, is sure to be attended with desertion to another from whom they expect kinder usage ; and when this does take place, the recovery of them is attended with difficulties that are not easily overcome ; for, independent of being obliged to have recourse to courts of justice, months and years perhaps elapse before they can discover to what place

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the slave absconded. In short, the proprietor feels it his interest to see them well treated, through apprehensions of the consequence of an opposite conduct. In former days the proprietor possessed the power of life and death over his slaves; but this was probably seldom or ever had recourse to, and desertion only would, in all probability, have been one of the motives for so rigorous a measure, but there were many circumstances which would have operated as a check upon the gratification of this species of severity and revenge.

" I do not immediately recollect any instance of a churma having appealed to a court of justice for protection from the ill usage of his master; but instances are not wanting of persons having been brought to justice and to a severe account for the murder or wounding of a slave; and as it is universally known throughout Malabar, that British justice considers the life of the lowest individual as valuable as the highest character in the country, and that as severe a measure of retribution would fall on the head of the murderer of a slave as of a rajah, we may consider them as well protected by the laws as any other race of beings.

" In some respects churmas may be considered in more comfortable circumstances than any of the lower and poorer class of natives. An instance of a churma being a beggar is unheard of; they and their families are sure of having the means of subsistence, as if the owner should be rendered unable to afford this, he will sell, mortgage, or hire his churma to another, on whom would devolve the duty as well as interest, in affording such subsistence as to enable the churma to go through the labours of the day. Contrast this with the situation of a free born but poor labourer, depending upon the labours of a day for his subsistence, unable, perhaps, to find employment, with a wife and family to support, and no one to whom he can look up for protection or subsistence.

" Slaves (in another place observes the collector), may be described as a distinct caste, with appropriate and distinct customs, which have been handed down to them by their ancestors, and which are by them religiously adhered to, and they may be, I conceive, viewed in any light but that of an abject and horrid state of bondage."

18.—The collector has inclosed in his report the detailed answers of the Tahsildars in the several talooks composing the province of Malabar, to certain questions put them on the subject of slavery, and to these the Board beg leave to refer the government for information, respecting the different peculiarities observable in the condition of slaves throughout the district.

19.—The collector has also inclosed an extract from Major Walker's report, on the tenures of Malabar, in which will be found some interesting but limited information, respecting the conditions of slaves in that province.

It is difficult, with the confined knowledge which we possess of the ancient history of India, to trace back with any degree of correctness the origin of slavery, or the successive steps by which it has reached it present state; it certainly has existed from time immemorial in this country, and it is stated in Mr. Colebrook's Digest of Hindoo Laws, that there are seven different modes of obtaining slaves recognized by the laws of the Hindoos.

" There are slaves of seven sorts, one made captive under a standard or in battle; one maintained in consideration of service; one born of a female slave in the house; one sold, or given, or inherited from ancestors; and one enslaved by way of punishment."

Book III. Ch. 1. Sect. 33.

21.—These various methods of acquiring slaves were not confined in the earlier ages to the Hindoos, but appear to have been common to all other ancient nations, and were either provisions of written law, or what was equally binding, the established customs of the countries where they prevailed.

Vide Gibbon's Roman Empire, ch. xxxviii.

22.—It was a maxim of ancient law, that the conqueror became the lawful master of the enemy whom he had subdued or spared;* and although this origin of slavery appears to have been the most ancient, and perhaps the most natural, the custom of voluntary entering into a state of bondage, or as the Hindoo law describes it, being " maintained in consideration of service," would seem also to have prevailed very generally in the earliest ages.†

23.—Slaves

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* It has been observed, that the Latin word *servus* (which signifies not a hired servant, but a slave), is derived from *servare*, " to preserve," and that such men were called *servi*, because they were captives whose lives were preserved, on the condition of their becoming the property of the victor.

† " And lo! we being brought into bondage, our sons and our daughters to be servants, and some of our daughters are brought into bondage already, neither is it in our power to redeem them, for other men have our lands and our vineyards." Nehemiah, c. 5, v. 5.

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23.—Slaves who had thus fallen into the hands of others by the right of conquest, or by a voluntary contract, became the absolute property of their masters, and could be "sold, given, or inherited from ancestors," both by the Hindoo laws as above stated, and by the laws of other nations.*

24.—So completely indeed did those who had thus purchased life and subsistence by the sacrifice of all that can render life desirable, become the property of their masters, that they were incapable † by law of acquiring any property whatever of their own, and this is still the case in India, as already stated by many of the collectors, and as recognized by the Hindoo law.

Mena.—"Three persons, a wife, a son, and a slave, are declared by law to have in general no wealth exclusively their own; the wealth which they may earn is regularly acquired for the man to whom they belong."

"A Brahmanah may seize without hesitation, if he is distressed for subsistence, the goods of his Soodra slave, for as that slave can have no property, his master may take his goods."—Colebrooke, book iii, ch. 1, section 52.

25.—The Board will not lengthen these proceedings by noticing the changes which have taken place in the state of slavery in other countries, or by comparing the conditions of this class of people in India, with that of their brethren in other parts of the world. It will suffice to state, that slavery, as at present understood in Europe, cannot be said to exist in India; and that although there is a class of people here denominated "slaves," their condition, treatment and circumstances differ very widely from that of the unfortunate beings similarly designated in the West Indies or in Africa.

26.—In India, the slaves, where they do now exist, although they can be sold, transferred or given away, cannot be forcibly dragged from their native country, and doomed to a life of bondage in a foreign land; a traffic in slaves, as carried on with Africa, is entirely unknown in India, and slaves in India are to be viewed rather as useful and laborious instruments of agriculture, or of domestic service, than as articles of commerce.

27.—The slaves in this part of India may be divided into two very distinct classes; the one consisting of the slaves of Mussulmans, the other of the slaves of Hindoos. The former are exclusively *domestic*, slaves employed in the house, and are commonly purchased whilst infants, and brought up in the Mussulman faith by their masters; many of them are females, employed in the seraglio or haram of the richer Mussulmans, to attend on their ladies; and once there inclosed, they are seldom allowed egress from it, as they are viewed as part of that establishment, which it is the chief point of honour with a Mussulman to guard from the view of another. The men slaves are employed as menial servants, and having free communications with others, and means of complaint, are generally well treated, but none, except those who have access to the recesses of the haram, can judge of the treatment which the females receive. The Mussulman slaves, however, are comparatively few in number; the great slave population consists of the Hindoo slaves, of whom none are confined, and all of whom, with the exception of a very few, are employed in agriculture, and may be termed field slaves, though occasionally employed in domestic service.

28.—The condition and treatment of slaves in the East has generally been mild and humane; and even some of those laws, which recognize a property in the person of slaves, also inculcate and enjoin, in the strongest terms, the practice of lenity, moderation and kindness towards them.

"Tenderness towards slaves," says the learned translator of Hedaya, speaking of Mussulman slaves, "is certainly a prevalent principle in the Mussulman law;" and in the 24th chapter of the Koran, this tenderness is strongly enforced with respect to certain points in the domestic treatment of them. So favourable, indeed, are the Mahomedan laws towards slaves, that they are only liable, in certain cases, to half the punishment which is adjudged to other offenders. Hedeya, B. 7. c. 1.

"Moreover,"

* "The selling of themselves or children to slavery, was always the practice of the German nations, and was continued by the Anglo Saxons." Hume's Hist. of England, vol. 1. Appendix 1.

V. 45.—"Moreover of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begot in your land, and they shall be your possession: and ye shall take them as an inheritance for your children after you, to inherit them for a possession, they shall be your bondsmen for ever." Leviticus, chap. xxv.

† "But the slaves or villains (among the Saxons) were by much the most numerous class in the community, and being the property of their masters were incapable of holding any property themselves." Russell's Mod. Europe, v. 1, letter viii. See also Hume's, vol. 1. page 211.

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"Moreover," (says the Hedaya), "as bondage occasions the participation of only half the blessings of life, it also occasions the suffering of only one half the punishment; because an offence increases in magnitude, in proportion to the magnitude of blessings under the enjoyment of which it is committed.

29.—In India, manners and customs, and with them the condition of the people, has undergone, it is believed, in the course of time, less change than in any other country.

30.—It is perhaps to the early division of the people into castes, the consequent subjection of one part of the community to the other, and the concomitant custom of children invariably following the same profession, and obtaining their livelihood by the same means as their fathers, that the permanency of Indian institutions, and the immutability of the manners of the inhabitants is to be principally ascribed.

31.—Accordingly, we find that the present state of Hindoo slaves, as described by the collectors, appears to be nearly the same as it was defined and intended to be by the laws of Menu, but that certain incidents in their villanage, consequent on the provisions of those laws, which were enacted with a view to the comfort and happiness of this race of people, have been looked upon as proofs of an abject, degraded and miserable condition.

32.—The Board allude to the circumstance of slaves being sold and transferred *with the land*, or in payment of the rent of it.

Vide Colebrooke, Book II. ch. 4. sec. 14.

33.—The Hindoo law on the subject of transfers of property, speaks of "land and slaves employed in the cultivation of it," and evidently contemplates those two species of property as one and the same, and as not properly separable from each other; and we find, that not only in this but in other* countries, it has been usual to transfer the slaves who were a "descripti glibæ" with the land itself. Indeed the attachment of the Hindoos to the lands which they have always occupied, and to the village where they have always resided, is proverbial, and to separate them, therefore, from their native soil, might, under such circumstances, be considered an additional act of cruelty.

34.—A certain portion of the produce of the soil which they cultivate, is, in the Tamil country, allowed by the master for the maintenance of his slaves, whose duty it is to till the ground; and unless they were transferred with the land, the new proprietor, when he obtained possession, might experience difficulty in carrying on the cultivation, and the former master might be deprived of the means of enabling him to afford subsistence to his slaves.

35.—The probability of being transferred with the land, moreover gives them therefore on this coast a sort of property in their huts and little spots of ground, which they can thus occupy without any great fear of being turned out or transferred contrary to their interests, feeling and comfort. It must, however, be observed, that on the other coast universally, and even generally on this coast, slaves are not *necessarily* sold with the land, although the convenience of all parts seems to have rendered the practice common.

36.—With regard to the practice of selling the slaves of revenue defaulters, for the recovery of arrears due, on which the Board have been directed to report, it appears, that in the case which has been brought to the notice of government (by the third judge on circuit in Malabar, through the Sudder Adawlut) the seizure of the slaves in question, with a view to their being disposed of by public sale, took place without the knowledge of the collector, and that on a petition complaining of the grievance being presented, an order was issued by that officer to restore the "paddy seed and chermars" (slaves.)

37.—The Board observe with great regret, that this order was not obeyed, but that the four slaves were sold for 32. 3. rupees.

38.—The third judge on circuit states, that the collector declined furnishing certain information which he had called for, respecting the liability of chermars or slaves to be sold in satisfaction of arrears of revenue; the collector's reasons for so doing

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* "They were of two kinds, household slaves, after the manner of the ancients, and rustic slaves, who were sold and transferred like cattle with the soil." Russel's Mod. Eur. Vol. I. letter viii. on the Anglo Saxons.

"In Scotland there certainly existed an order of slaves or bondsmen, who tilled the ground; were attached to the soil, and with it were transferred from one proprietor to another, at a period so late as the 13th century." Enc. Brit. Art. Slavery. "Those of them (in the French West India islands before the Revolution in France) who cultivated the plantations were attached to the soil, and could not be drawn off to pay debts or be sold separately from the estate on which they lived."

Ramsay's Essays on the treatment and conversion of slaves, sec. V.

doing are submitted in a letter addressed to the Board, under date the 24th November 1818, but by some mistake in his office, not received by the Board until the 26th October 1819, from which the following is an extract:

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Par. 5.

"How the third judge could take up this, as being cognizable before his tribunal, I am not aware, nor upon what plea could call upon me as magistrate, to give him information on revenue points; viz. whether chermars (slaves of the soil) were sold for arrears of revenue, is equally inexplicable to me; and even did he wish for this information, he has been long enough in the revenue and judicial line to know, that that the sale of chermars both *in execution of decrees* for arrears of revenue, and by mutual and private contracts, is as common as the sale of land, for if the soil is sold, what can be the use retaining the slaves of it."

39.—Statement N° 21, inclosed in the collector's letter of the 20th July last, showed, that in the space of five years, no less than 186 have been instituted in the zillah court of South Malabar alone, on the subject of slaves; it is reasonable therefore to conclude that the judicial authorities on the other coast must have been fully acquainted with all the circumstances connected with slavery, as it exists within their respective jurisdictions; and as slaves are stated to have been sold *in execution of decrees*, however much to be regretted, it does not appear so extraordinary that the slaves of the complainant in the case brought forward by the third judge on circuit, should have been seized by the revenue officers, and sold, like his other property, in satisfaction of arrears.

Inclosed in Mr. Vaughan's letter, 20th July, in Cons. 5th, August 1819.

40.—Malabar is not the only province where slaves are considered by the native revenue officers as tangible property, and entered as such in accounts submitted to the collectors.

Vide par. 8, of these proceedings.

41.—It appears, however, that in Malabar alone have any slaves been sold for arrears of revenue.

42.—The Board proceed to the consideration of that part of the letter from government under reply, which desires them to state their opinion "whether the practice which actually prevails" with respect to the sale of slaves "should be permitted to continue as at present, or whether it ought either to be laid under such restrictions as would render it less objectionable, or to be altogether abolished, as productive of evils for which no adequate remedy can be devised."

Where "in some respects chermars may be considered in more comfortable circumstances than any of the lower and poorer classes of natives." Where "no want or cruelty is experienced by the slaves." Where the "abolition of the Puller system would be attended with the most serious and ruinous consequences." Where they seem not to consider their situation, nor to show any "desire to be free and independent;" where the treatment of slaves by their masters "is the same as that of the other labourers, which is in general of a mild nature." Where "the slaves are on the whole better treated by their masters than the common class of free labourers." Where, finally, humanity on the part of the masters is encouraged by a sense of their own interest, and a disposition to personal cruelty and ill-treatment is checked and restrained by the establishment of the courts of justice, it does not appear to the Board, that any immediate interference on the part of the government is particularly called for, or that any alteration in the existing state of slavery should be made, except by degrees, and after mature and attentive consideration has been given to the subject.

Vide Letter from the Collector in Malabar, 20th July 1819, par. 15. Canara, p. 4. Trichinopoly, par. 11. Tinnivelly, par. 4. Tanjore, par. . . Coimbatore, par. 3.

43.—But, because no immediate measures are urgently called for, it does not follow, that the most useful, the most laborious, and one of the most numerous classes of our subjects in these territories, should, from generation to generation, continue the hereditary bondsmen of their masters, incapable of inheriting property of their own, deprived of that stimulus to industry which possession of property ever inspires; and because they are fed and clothed, and reconciled to the present condition, it does not follow that the government should confirm institutions, which doom those who have thus fallen into this condition incapable of ever again recovering their liberty, or of rising to a level with their fellow men.

44.—Independently of those principles, hostile to any restraint on liberty, which are innate in every British government, and which, as contained in our judicial code, without any express enactment on the subject, have operated to check abuses of masters towards their slaves; and independently also of those feelings among free men, which naturally prompt them to extend to every one under their government the blessings which freedom confers, it appears to the Board, on the mere calculating principle of self interest and policy, to be desirable, that no one should be deprived of the means of acquiring property, or of diffusing those benefits among society, which proceed from an increase of capital and wealth.

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45.—The Board are decidedly of opinion, that slaves should not be sold for arrears of revenue; and prohibitory orders to this effect will be issued to Malabar, where alone it has occurred. In Malabar and Canara alone, the number of slaves are calculated at 180,000; and the Board have now under consideration certain propositions from Mr. Græme, the commissioner in Malabar, for the amelioration of their condition, and the gradual emancipation of slaves in that country.

46.—In the Tamil provinces, the number of slaves is comparatively few; their condition is better, and any immediate emancipation of them would be attended by inconvenience, difficulty, and perhaps distress. This might therefore be at present deferred, until the practical remedy for the gradual abolition of slavery on the other coast shall have been fully considered and decided on.

47.—But whatever may be the future decision respecting those who are already slaves, the Board think that a regulation ought to be published, to prevent the further extension of slavery, and to ameliorate in some degree, by a few general enactments, the condition of those who are already slaves.

48.—The further purchase of free persons as slaves should be declared invalid and illegal; and all children hereafter born slaves should be declared free. But any person should be still at liberty to contract for a given sum to labour for a term of years, or for life. Such contracts, however, should be in writing, and binding upon the individual who executes it only, not upon his wife or children.

49.—Slaves should be declared competent to possess and dispose of their own property, to the exclusion of any interference therewith on the part of their master.

50.—The Board further submit, whether it would not be proper to annex some penalty to the purchase of female children, for the purpose of being brought up as prostitutes, in the manner alluded to in Mr. Hyde's letter.

51.—It might also be provided, that proprietors are to provide wholesome food and clothing for their slaves; that in sickness, in age, or infirmity, they shall not neglect them; that they shall not have the power of corporal punishment; that slaves, on being ill-treated by their masters, shall be allowed to claim the privilege of being sold to another; and that in breach of these laws, or refusal to comply with them, on the part of the master, the slave shall receive his liberty.

52.—It might further be provided, that slaves shall have power to purchase their liberty at the price for which it was forfeited, and that slaves attached to lands or estates which may escheat to government shall be liberated.

53.—Many of these provisions will be found to contravene those of the Hindoo law, which, with respect to Hindoos, is declared by the regulations to be in force; and the necessity, therefore, of a formal enactment of them in the code will be sufficiently apparent.

54.—The collector in Trichinopoly has submitted a proposition for ameliorating the condition of the pullers in the district, by adding two per cent to their warum, which is at present only ten per cent. By this, he observes, "the situation of the pullers would be greatly benefited, and the expense to government would be (taking the revenue of the wet districts in round numbers) not more than 2,000 pagodas per annum. This sum would materially tend to the comfort of 10,000 people, by whose industry and manual labour the country is cultivated, and who, in point of fact, are the creators of revenue."

Par. 18.

55.—The Board are not aware of any objection to this measure, and it is accordingly resolved to recommend the adoption of it to government. The collector will hereafter report the result of it, and the effects which it may have on the condition of the people.

56.—Resolved also, That the collector in the other Tamil districts be desired to report, whether a similar measure could not be adopted with advantage in their districts; and if so, the extent of remission proposed.

57.—In conclusion, the Board would remark, that the subject discussed in these proceedings appears to them of great importance; that the suggestions which they have submitted should, therefore, be well weighed before they are adopted; and that any legislative enactment that may be deemed requisite, be framed with great caution. It may also be for the consideration of government, whether the subject may not, as a general one, be referred in the first instance to the supreme government, in order to ascertain the state of slavery in the Bengal territories, and whether any restrictions are imposed on it there.

(True extracts.) (signed) *A. D. Campbell*, Secretary.

Ordered to be recorded.

Extract of a Letter in the Judicial Department from the Court of Directors to the Governor in Council of Fort St. George, dated 28th April 1824.

146.—In the districts subject to your presidency, the rights and obligations of master and slave, appear to be very indistinctly defined; and this obscurity of the law we apprehend to be favourable to the slaves, for, whatever the legal power of masters may be, their actual control over the liberties of those persons who are nominally their slaves, appears to be but small.

Letter from Fort St. George, 11th March 1820 (146). Practice of selling the slaves of Revenue defaulters. Oppression and cruelty committed by Revenue police officers in Malabar.

147.—We desire that you will be extremely cautious in making any regulation for defining the relations of master and slave. It is our wish to improve the condition of the latter to the utmost extent, and we fear, that in defining the power of masters, acts of compulsion might be legalized, which by custom, are not now tolerated, and the slaves might be placed in a worse condition than before.

148.—We shall defer making any further remarks on the subject till we receive a further communication from you.

Extract of a Letter in the Judicial Department from the Governor in Council of Fort St. George to the Court of Directors, dated 3d February 1826.

56.—The opinions and views stated in these paragraphs, coincide with those entertained by us. Such parts of our proceedings as have relation to the subject of slavery will be brought to the notice of your honourable court.

Letter from the Court, 28th April 1824.

146 to 148. To be extremely cautious in framing any regulation for defining the relation of master and slave, the present obscurity of the law being favourable to the latter; will defer their further remarks until they receive a further communication.

CORRESPONDENCE with the Acting Superintendent of Police at Madras, in 1818, relative to the practice of Kidnapping Children and Selling them as Slaves to the more wealthy Mahomedans.

Extract of a Letter from the Governor in Council of Fort St. George to the Court of Directors in the Public Department, dated 6th February 1819.

Par. 208.—We have noted in the margin, a correspondence relative to the practice of kidnapping children from their parents, for the purpose of selling them as slaves. As the advocate general was of opinion, that it could not be attended with any beneficial result to adopt the suggestion of the superintendent of police, that his highness the Nabob and every Moosulman family should be required to send children that they might wish to buy as slaves to the police, in order, that inquiries might be made to ascertain that they had not been kidnapped, and that a rule to this effect should be enacted under a regulation, in order that a penalty might be annexed to it, we directed the superintendent of police to communicate with the advocate general, regarding the most proper measures for preventing the frequent occurrence of this crime.

Cons. 23d June. 32, 33. Cons. 8th Sept. 47, 48.

Extract, Fort St. George Public Consultations, 23d June 1818.

Read the following letter from the acting superintendent of police:—

To the Chief Secretary to the Government.

Sir:—The apprehension of a native woman, charged with having enticed a child from the relations, and after claiming her as her own, having attempted to sell her to a Mussulman as a slave, had, in the course of one day, led no less than eigh t different persons to comlain to me of the loss of their children, nine in number.

From the Acting Superintendent of Police; bringing to notice the prevalence of the practice of kidnapping children to sell them as slaves, and recommending that the sale of children for slavery should be placed under certain regulations.

The whole of these children are females, from six to ten years of age, and all, except two, have disappeared within the last two months; their parents are in general of the very lowest description of the people, but their unfeigned distress and great anxiety for the recovery of children, whom they will perhaps find it difficult to support, evince feelings that would do honour to the highest classes of the community.

Nothing has been left undone by the police for the discovery of these children; but in the course of my inquiries on the subject, I have arrived at information that

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induces me to believe, some interference on the part of government is required, to check a crime which appears to be one of the most common at the presidency.

His Highness the Nabob of the Carnatic, the various branches of his family, and indeed the whole of the principal Mussulmen at Madras, are in the habit of purchasing female children to serve as domestic slaves in their families, and to attend their wives and concubines, who are numerous in proportion to their rank. To supply them with these children, native women of the most infamous character are in the habit of enticing to their huts children of the lower classes of the people, with offers of sweetmeats and money, and having once secured them, they are intoxicated with drugs and arrack, and taken by bye-paths to Mussulman houses, where they are sold by the women as their own children. A Mussulman name and dress is then given to them, and being considered as part of the seraglio, the jealousy in which a Mussulman's honour consists secludes from any communication with strangers.

I consider the late enactments of the British legislature respecting the slave trade to have reference exclusively to foreign traffic in slaves, and not to domestic slavery, which in this country is, I conceive, legalized by the previous statutes of the 21st and 37th of the King. This also appears to have been the decision of the Supreme Court; for, in the cases printed by Sir Thomas Strange, the late chief justice, it is laid down as the judgment of that court, that these statutes "recognize the civil and religious usages of the natives, and the rights and authorities of fathers and masters of families, according as the same may have been exercised by the Gentoo or Mahommedan laws;" and he adds, that by the Mahommedan law a master has the power to punish "his slave" by stripes or imprisonment. Indeed, there can be no doubt that domestic slavery is fully recognized by both the Gentoo and Mahommedan code, as well as by the usages of the people.

See Vol. I. p. 299.

Under this view of the subject, my object in addressing the government is, that a communication should be made to His Highness the Nabob through the proper channel, to prevail upon him and all the members of his family to send every child that they may hereafter be desirous to purchase as a slave to the police office, in order that, previously to the purchase, due inquiries may be instituted to ascertain that they have not been kidnapped from their parents; and that I should be authorized by proclamation to require all other Mussulmans to adhere to the same rule: Without this, any immediate inquiries of the police respecting such children will be nearly fruitless, and may be viewed by His Highness and others as an improper interference with their own domestic arrangements.

Should the government approve some arrangement of this kind, it would perhaps be proper that the proposed rule should be enacted in a local regulation, in order that a penalty may be annexed to the breach of it, on the part of either the seller or the purchaser, for without a penalty, the rule could never effectually be enforced.

These suggestions I have submitted to government, with the view of better regulating the sale of children for domestic slavery, which I understand to be authorized by law. It would, perhaps, be impolitic immediately to abolish a practice that so generally obtains; but the gradual restriction of it seems highly desirable, and some interference on the part of government is loudly called for, to prevent the abuses to which it is at present liable.

As it is not impossible that I may have taken an erroneous view of the law respecting domestic slavery within the limits of the Supreme Court, a reference to the law officers of government on that point may be proper before the government proceed to consider the restrictions thereon now proposed.

I have, &c.

(signed) *A. D. Campbell,* Acting Superintendent of Police.

Madras Police Office, 27th May 1818.

N° 33. Ordered, in consequence, That the following letter be dispatched to the Honourable Company's solicitor:—

To the Honourable Company's Solicitor.

To the Solicitor for the Hon. Company, requiring the early report of the Advocate General, on a letter from the Superintendent of Police, respecting the practice of kidnapping children to sell them as slaves. Dated 27th May 1818.

Sir:—I am directed by the Right Honourable the Governor in council, to transmit to you, for the early consideration and report of the advocate general, the accompanying copy of a letter from the superintendent of police, respecting a practice of kidnapping children to be sold as slaves, which is stated to be very prevalent at Madras.

I am, &c.

(signed) *D. Hall,* Secretary to Government.

Fort St. George, 23d June 1818.

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Extract, Fort St. George Public Consultations, the 8th September 1818.

Read the following letter from the Honourable Company's solicitor:—

To David Hill, Esq. Secretary to Government.

N° 47.

Sir:—Your letter of the 23d June last, and the copy of a letter from the superintendent of the police, respecting the practice of kidnapping children, were submitted to the advocate general, and I now inclose a copy of his opinion on that subject.

I have, &c.

(signed) *Robert Orme*, Solicitor.

Fort St. George, 27th August 1818.

The kidnapping of children is undoubtedly a great offence, and is punishable by the law accordingly; but I cannot advise government to adopt the suggestion of the superintendent of police, as I think it would be attended with no beneficial result, and is in many respects objectionable. It may not, however, be amiss, that a private communication should be made to the nabob on the subject, leaving it to his highness's discretion to adopt such measures of precaution to guard against the mischief, as shall seem to him expedient.

August 26, 1818. (signed) *Samuel Toller*, Advocate General.

Ordered, in consequence, that the following letter be dispatched to the superintendent of police:—

To the Superintendent of Police.

N° 48.

Sir:—With reference to the letter from Mr. Campbell, dated the 27th of May, I am directed by the Right honourable the Governor in council, to transmit to you the annexed copy of the opinion of the advocate general on the subject; you will communicate with that officer regarding the most proper and effectual measures for putting the law in force against the offence of kidnapping.

I am, &c.

(signed) *D. Hill*, Secretary to Government.

Fort St. George, 8th September 1818.

Extract of a Letter from the Court of Directors to the Governor in Council of Fort St. George in the Public Department, dated 28th February 1821.

Par. 68.—Replied to in the judicial department.

Letter from the Government, dated the 6th February 1819, (208.) relative to a practice of kidnapping children and selling them for slaves.

Extract of a Letter from the Court of Directors to the Governor in Council of Fort St. George in the Judicial Department, dated 28th April 1824.

(208.) Kidnapping children for the purpose of selling them as slaves.

201.—The kidnapping of children is stated by the superintendent of police to be very prevalent at Madras. But as the practice is acknowledged illegal, and of course punishable, it must be checked like other crimes by enforcing the laws. On the occasion now referred to, the police officers appear to have made every exertion for apprehending the offenders, but without success. We are not aware that any thing else could have been done.

Extract from a Letter in the Judicial Department, from the Governor and Council of Fort St. George to the Court of Directors, dated 3d February 1826.

69.—These paragraphs have been replied to in our general letter in the public department, dated 11th February 1825 (paragraph 212.)*

* This paragraph does not relate to the subject referred to.

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N° 2.

PAPERS relative to a Nair Child, kidnapped and held in Slavery at the French Settlement of Mahé, 1819.

Extract, Fort St. George Foreign Consultations, 18th November 1819.

Read the following letter from J. Vaughan, Esq. magistrate of Malabar, to the secretary of government in the judicial department, Fort St. George, Oct. 7, 1819:

Sir:—Par. 1.—I deem it a duty incumbent on me to submit to the Right honourable the Governor in council, copy of a correspondence between Monsieur Le Baron Law de Clapern on and myself, relative to the kidnapping of a Nair child,and to offer a few observations on the subject.

2.—I beg however to premise, that to Monsieur Law I am much indebted, for his prompt and obliging attention to my application.

3.—A complaint having been made against a man by a Nair for kidnapping his nephew, due inquiry was made, during which, the defendant confessed the fact, and that he had taken the child to Mahé, and had sold him to an inhabitant of that place; that he had received *one rupee in advance,* and that the price was to be settled afterwards.

4.—The prisoner was questioned by me as to the name of the person to whom he sold the child, but pleaded ignorance; by questioning him however on the situation of the house, to the inhabitant of which he sold the child, I was able to form what appeared afterwards a correct knowledge of the person.

A. B. 5.—I immediately addressed Mr. Law on the subject, and received an answer, in which Monsieur Law gives the purchaser of the child credit for humane motives; but which, from my longer and more intimate knowledge of various characters at Mahi, I am inclined to withhold my assent.

6.—Had motives of humanity induced the purchase of the child, it would have been shown by inquiring into particulars, and informing the chief of Mahi of the circumstances, and obtaining permission, which Monsieur Law would never have granted without reference to me on the subject, particularly when the purchase of the child of a subject of the Company's was the object.

7.—The first thing the purchaser seems to have done, was to cut off the kindema or lock of hair, which is the distinguishing mark of Nairs, the loss of which, in a case of this instance, involves loss of caste; independent of which, the child has been induced to eat forbidden victuals, and must now for ever be an outcast.

8.—In former days, Mahi used to be a place notorious for kidnapping people of all ages and castes, who were sold as slaves and transported to Arabia and elsewhere.

9.—I therefore submit to the Right honourable the Governor in council, whether it might not be advisable to take whatever measures may appear to be most proper to check an evil which may have a rapid growth, more particularly as I have reason to believe, that this is not the only instance of children having been offered for sale at Mahi, where, from the frequency of the country vessels touching there, children and others of this description, might be spirited away beyond the reach, and with little probability of detection, and beyond the means of recovery.

I have, &c.

Calicut, October 7th, 1819. (signed) *T. Vaughan,* Magistrate.

(A.)

To Monsieur le Baron Law de Clapernon, Chief Commandant, Mahé.

Sir:—I have the honour to request you will give me your assistance in endeavouring to recover Pomangandy Chekkoo, the bearer of this, his nephew, a boy of about eight years old, named Govinden, who was kidnapped by a man since apprehended, and who says he sold the boy to a Portuguese, a native of Mahé, for a small sum, of which he received one rupee in advance, as far as I can understand his description of the house, the owner of which bought the lad; it appears to me, the upstair house immediately in the rear or south of Mr. Duneaur's warehouses, and facing the door which leads out into the street from Mr. Duneaur's compting-house; the house was, I believe, originally built by Salan Moopa or his son, since turned Christian.

I trust I need make no apology for giving you this trouble, which humanity no less than my duty, compels me to give you.

I have, &c.

Calicut, September 21st 1819. (signed) *T. Vaughan,* Magistrate.

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Monsieur Vaughan, Magistrat, Calicut.

Monsieur :—J'ai reçu hier au soir vers 9 heures, la lettre que vous en' avez fait l' honneur de m' écrire, en date Dec. 21. J' ai de suite, selon vos desirs, pris des informations sur l' enfant que l' on vous a dit avoir été vendu à un des habitans a Mahé. Ce petit malheureux m'a été amené ce matin ; il dit avoir été enlevé de chez ses parens, ce que s'accorde parfaitement avec le rapport de l' homme chez lequel il a été nourri jusqu'en ce moment, et qui ne lá reçu que par l' humanité. Il a donne, non pas une avance, mais par charité, cinq fanons, avec la determination de le laisser libre. C' était un squelette, il mourait de faim de ma connoissance, plusieurs noirs, hommes et femmes, se sont déjà et à plusieurs réprises présentés pour se vendre eux-mêmes amenant avec eux leurs enfans.

Ce n'est nullement une peine, Monsieur, que vous me donnez, en m'engageant à retrouver cet enfant, et de le rendre à ses parens ; sur un point aussi capital, je suis également comme vous, guidé par l' humanité et mon devoir, mais je suis forcé de convenir que la misère d' ou se trouvent reduite de malheureux individus que eux-mêmes sont prives de tous moyens d'existér, se voyant dans la nècessité de se séparer de leurs enfans, quelques uns, plusieurs même n'y m'été en vérité aucum intérêt.

Agréez, Monsieur, l'assurance de ma considération la plus distinguée.

J'ai, &c.
(signé) *Law de Clapernon.*

Resolved, That a reference be made through the British commissioner at Pondicherry to the French authorities, with the view of obtaining their concurrence in putting an end to the practice of kidnapping children, of which an instance is brought to the notice of the Board in the foregoing papers. Resolved, at the same time, That the ready attention paid by M. Law de Clapernon to the representation of the magistrate of Malabar, on that occasion, be acknowledged on the part of this government.

(True extract and copies.)
(signed) *D. Hill,* Secretary to Government.

The president states his intention of dispatching the following letter to the Count Du Puy.

To his Excellency the Count Du Puy, Governor General of the French Establishment in India.

N° 3.

Sir :—I have the honour to transmit to you the inclosed copy of correspondence between the chief of Mahé and the magistrate of Malabar, regarding the kidnapping of a Nair child, and to request your Excellency's concurrence in putting an end to that practice. I have at the same time the honour to express the acknowledgements of the government of Fort St. George, for the ready attention paid by M. Law de Clapernon to the representation of the magistrate of Malabar, on the occasion in question.

I have, &c.
Fort St. George, 15th November 1819. (signed) *H. Elliott.*

Approved.

Extract, Fort St. George Foreign Consultations, 13th December 1819.

Read and recorded, the following letter from his Excellency the Count Du Puy.

A son Excellence le très honorable Hugh Elliot, Gouverneur de Fort St. George, &c.

Extract.

Monsieur le Gouverneur :—Il seroit affligeant que la misère dans certaines contrées Indiennes fut portée au point d'éteindre la tendresse naturelle des pères et mères pour leurs enfans. C'est, pourtant, le motif que me donne l' administrateur de Mahé pour expliquer les enlévemens d'enfans dont on se plaint à Mahé. M. Law a fait ce qui était en lui pour seconder à cet égard l'intention de Mr. Vaughan ; ses démarches ont reussi, et je le prierai de donner une attention toute particulière pour empêcher un abus aussi criminel.

I am, &c.
Pondicherry, 26th Nov. 1819. (signé) *Cte Du Puy.*

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COMMUNICATIONS from Mr. Baber, and Mr. Wilson, the 3d Judge, and the Acting 3d Judge of the Provincial Court of Appeal and Circuit for the Western Divison, to the Government of Fort St. George, in 1819 and 1820, relative to the treatment of domestic Slaves, the sale of free-born Children into Slavery, and the seizing and selling Slaves of the Soil by Auction, for Arrears of Rent.

Appendix, N° 2, to the Proceedings of the Foujdarry Adawlut, March 1820.

Extract Letter from Mr. A. Wilson, Acting 3d Judge of the Court of Circuit in the Western Division, to the Register to the Foujdarry Adawlut, Fort St. George, dated 20th November 1819.

Connected with the subject of a case tried this sessions, and now under reference to the Sudr Foujdarry court, I bring to notice the degraded state of slavery existing in these provinces, with respect to a race of natives, called Chermars, Pooliars, Panians, &c. &c. &c. These people, born in slavery to the soil on which they receive their birth, are bought, sold, mortgaged and transferred, sometimes with, or even without the soil, parents and children together, or separate, as the exigencies of the proprietors demand. I am not prepared at present to enter into any detail with respect to the extent of this class of people, their treatment or peculiar interests; I have brought the subject to the notice of the court, as connected with a case now under reference; and if the judges should be desirous of obtaining further information, I suggest, that the magistrates and criminal judges may be directed to report fully, through the medium of the provincial court. The subject is, undoubtedly, of serious moment, as involving the happiness of many human creatures, and however impolitic as a general principle, interference with the established customs of a province may be considered, the interests of humanity dictate to an enlightened government, some attempt at amelioration; if they should even find themselves precluded from dispensing in full to the subjects under their rule, those blessings which the mother country has laboured so successfully to extend throughout the civilized world.

Extract, Fort St. George Judicial Consultations, 12th September 1820.

Read the following letter from the register to the court of Foujdarry Adawlut.

(N° 6.)—To the Secretary to Government in the Judicial Department.

Foujdarree Adawlut.

N° 18. Sir:—I am directed by the judges of the Foujdarree Adawlut to transmit to you, for the purpose of being laid before the Right honourable the Governor in council, the accompanying extract from the court's proceedings of this date, with the papers therein referred to.

I have, &c.

Foujdarree Adawlut Register's Office, 23d March 1820. (signed) *W. Oliver*, Register.

Extract from the Proceedings of the Foujdaree Adawlut, under date the 23d March 1820.

Read again letter, dated 20th November last, from the acting judge of the provincial court in the western division, submitting copy of the North Malabar calendar, and general report on the fourth quarterly sessions of jail delivery, for the year 1819.

With reference to the first paragraph of the report of the acting judge, dated 20th November last, the court of Foujdarree Adawlut consider it requisite to state, that circular instructions were issued by them under date 9th December last, requiring the judges of the several courts of circuit to submit, at the conclusion of each quarterly sessions of jail delivery, at the Sudder station, a report of the nature prescribed in section 37, Regulation VII, of 1802, which had not previously been transmitted on those occasions from any but the court of circuit in the northern division.

The case alluded to by the acting judge, in his observations upon the state of slavery in the province of Malabar, was disposed of by the court of Foujdarree Adawlut, under date 21st ultimo.

The

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The charge was for selling a free born female child into slavery, and one of the prisoners was the mother of the child.

The transaction was fully established on the trial, but not being punishable under the Mahommedan law, which has not in this point undergone any legislative modification, the court directed the release of the prisoners, in conformity with the futwa of their law officers, and have called upon the acting judge to propose such enactments as his local experience may enable him to suggest for the suppression of this species of traffic.

Although the practice elicited in this case is noticed by the acting judge as connected with the degraded state of slavery existing in the provinces of Malabar, it appears to the court of Foujdarree Adawlut to involve considerations of a nature altogether different from the question of the policy or humanity of vesting with the rights of civil liberty the race of natives described by the acting judge, as "born in slavery to the soil on which they receive their birth."

The court of Foujdarree Adawlut have not thought it expedient to adopt the suggestion of the acting judge in calling for further information connected with this question, which may already be in the possession of the government, nor are they prepared to offer any opinion on the subject founded on general principles; the purchase and sale of persons free-born involves an obvious infringement of inherent rights, and it does not appear that this traffic has the sanction of old and acknowledged usage, or that its suppression would offer violence to the prejudices of the native subjects of the government.

Appendix, N° 15, to the Proceedings of the Foujdarry Adawlut, of November 1820.

Extract Letter from Mr. T. H. Baber, third Judge of the Court of Circuit in the Western Division, to the Register to the Foujdarry Adawlut, dated Tellicherry, 13th September 1820.

21.—I tried the whole of the 41 cases on the calendar of commitments, and the following was the result:—

In two (cases of murder) the deceased were of that most unhappy race of people in Malabar, denominated slaves; one had deserted, it is supposed, from ill treatment; the other had, through hunger, stolen a few handfuls of the paddy he had been set to watch. N° 23.

The prisoners in N° 23, were found guilty of manslaughter and sentenced to six years imprisonment and hard labour. The deceased was the cherman or slave of the prosecutor, and had through hunger trespassed into the prisoner's garden, and stolen a jackfruit, and was beaten so severely by the prisoners, that he died the following day; and adverting to the instances of mal-treatment of persons in the unhappy situation of slaves on the present calendars, I beg to submit to the court of Foujdaree Adawlut, that it be declared by a legislative provision, that they are not properly or lawfully objects of sale, like slaves, in the full extent of that term, unless they happen to be made over at the same time with the estate on which they reside; that they shall never be transferred by way of lease or loan from one master to another, without their consent; that all personal wrongs done to a slave by his master, shall be estimated like personal injuries in other cases; that they shall be entitled, whether sick or well, and at all seasons, to a daily allowance of wholesome food, and be provided with suitable habitations and raiment by their masters; and that all masters who violate either of these provisions, shall on proof thereof to the satisfaction of the magistrate, forfeit their right of property over such slaves for ever.

Extract, Fort St. George Judicial Consultations. 31st July 1821.

Read the following letter:

N° 30.—To the Secretary to Government, in the Judicial Department, Fouzdarry Adawlut.

Sir:—I am directed by the judges of the Fouzdarry Adawlut, to transmit to you, for the purpose of being laid before the Honourable the Governor in council, the accompanying extract from the court's proceedings of this date, with the report therein referred to. N° 2.

I have, &c.
(signed) *W. Oliver*, Register.

Fouzdarry Adawlut Register's Office, 27th November 1820.

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Extract from the Proceedings of the Fouzdarry Adawlut, under date the 27th November 1820.

Par. 1.—Read letter, dated 13th September last, from the third judge, late on Circuit in the Western Division, submitting the report prescribed by section 37, Regulation VII, of 1802.

Par. 7.—In the latter part of the 21st paragraph, the third judge, "adverting to the instances of mal-treatment of persons in the unhappy situation of slaves on the present calendar," submits, that it be declared by a legislative provision; 1st. that they are not properly or lawfully objects of sale like slaves, in the full extent of that term, unless they happen to be made over at the same time with the estate on which they reside; 2d. that they shall never be transferred by way of lease or loan from one master to another, without their consent; 3d. that all personal wrongs done to a slave by his master, shall be estimated like personal injuries in other cases; 4th. that they shall be entitled, whether sick or well, and at all seasons, to daily allowance of wholesome food, and be provided with suitable habitations and raiment by their masters; and 5thly, that all masters who violate either of these provisions, shall, on proof thereof to the satisfaction of the magistrate, forfeit their right of property over such slaves for ever."

These observations are reiterated in the paragraphs 144 a' 150 of the Report of the Foujdary Adawlut, dated 31st January 1821.

The 1st. and 2d of the provisions here suggested by the third judge, would go to the subversion of usages established in the provinces of Malabar, in which the expediency of interference by the legislative authority, appears to be questionable.

9.—Should, however, an interference with the usages adverted to, be contemplated by the government, it may be proper that inquiry should be made, as to how far the practices proposed by the third judge to be abolished, may or may not be of recent introduction, and whether by ancient custom, the slaves in Malabar were attached to the soil, and not removable therefrom by sale, lease or mortgage, at the will of the proprietor.

10.—As the third of the provisions proposed by the third judge, appeared to imply, that under the existing laws personal injuries done to a slave by his master, are not punishable, the court of Fouzdarry Adawlut have thought it proper to ascertain from their law officers, whether the ill-treatment of a slave by his master, be duly punishable by the Mahomedan laws.

11.—The following is a translation of the answer of the law officers of the Fouzdarry Adawlut to the reference made to them on this head;—Under the Mahomedan law, a master is competent to inflict correction (tazeer) upon his own slave. If therefore, the master should, in a lawful manner, correct his slave for committing an act by which tazeer is incurred, he is not liable to punishment; but if a master should chastise his slave without his having been guilty of any offence incurring tazeer, or in the event of the slave's having committed such an offence, if the master should not correct him in a lawful manner, but treat him with violence and cruelty, the master would be liable to tazeer.

12.—The court, under the foregoing exposition of the law, consider, that the existing regulations sufficiently provide for the punishment of owners of slaves, who may treat them with cruelty; and with a view to discourage and prevent as much as possible, the practices alluded to by the third judge, the court direct, that the several magistrates be desired to make public the foregoing provision of the Mahomedan law, by a circular notification to the police officers under their jurisdiction respectively, and that they be enjoined to apprehend all persons charged with cruelty towards their own slaves, in like manner as they are directed to apprehend persons charged with other crimes of a heinous nature; and it will be the duty of the criminal judges, in such case, whenever the acts established in evidence, may appear to demand greater punishment than they are competent to inflict, to commit the offenders for trial before the court of circuit.

13.—The provision regarding the diet, lodging and clothing of slaves, is doubtless suggested by the most humane consideration; how far a necessity exists, for the interposition of law, in these respects, is not shewn in the report; but the court are not satisfied, that the penalty denoounced in the final provision of forfeiture of the right of property over a slave would, in such cases, be best calculated for the attainment of the ends of retributive justice.

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N° 4.

Extract of a Letter to the Register to the Court of Fouzdarry Adawlut, dated 31st July 1821.

Par. 10.—The Governor in council is strongly impressed with the belief, that any direct interference of the legislature, for the purpose of ameliorating the condition of slaves in the western coast, would be attended with effects the reverse of those intended. From the late inquiry indeed, it did not appear, that the condition of slaves in this country, according to their own sentiments and manners, stands particularly in need of improvement.

Orders transmitted by the Court of Directors, to the Governor in council of Fort St. George, in December 1821, for additional information relative to the state of the agricultural population of Malabar, with the proceedings thereupon.

Extract of a Letter in the Revenue Department, from the Court of Directors to the Governor in council, at Fort St. George, dated 12th December 1821.

107.—We observe with dissatisfaction, that when you have assumed the existence of any peculiar ownership in the land, as that of merassidars or jelmkars, you afford us little information with regard to the condition of any other class of the agricultural population. In Malabar, the number of occupants who pay the assessment on the land, mortgagees and lessees included, is "estimated by the collector at 150,000." The number of persons employed in the cultivation must exceed this number, to an extent of which we have no means of forming an accurate judgment.

108.—Of the condition of these people, we know hardly any thing, and not more with respect to the other descriptions of the population. We are told, indeed, that part of them (an article of very unwelcome intelligence) are held as slaves; that they are attached to the soil and marketable property. You are directed to obtain, and to communicate to us all the useful information with respect to this latter class of persons, which you possibly can; the treatment to which they are liable, the habits of their masters with respect to them, the kind of life to which they are doomed, the sort of title by which the property of them is claimed, the price which they bear, and more especially the surest and safest means of ultimately effecting their emancipation. We also desire to know, whether these occupants, 150,000 in number, cultivate immediately the whole of the lands by their slaves and hired servants, or whether there is a class of inferior servants, to whom they let or sub-let a portion of their lands. If there is such an inferior class of lessees, you will nform us under what conditions they cultivate, what are their circumstances, and what measures (if any) have been employed for their protection.

Extract, Fort St. George Revenue Consultations, 21st May 1822.

N° 20.

(N° 377.)—Extract of a Letter from Mr. Secretary Hill to the President and Members of the Board of Revenue, dated 21st May 1822.

I am directed by the Honourable the Governor in council to transmit generally, for your information and guidance, the accompanying copy of a general letter from the Honourable the Court of Directors, dated the 12th of December last, and to call your particular attention to the following points therein noticed.

1.—The general revenues of Malabar are about to come under the minute examination of the government; but it will be proper to procure the information respecting the slaves in that district, and the number and condition of the persons by whom the land-tax is paid, if that can be done without material difficulty.

[Received by the Board of Revenue, and entered on their proceedings of the 23d May.]

Extract, Proceedings of the Board of Revenue at Fort St. George, dated 12th August 1822.

Sent the following Letter to the Principal Collector in Malabar:—

Sir:—I am directed by the Board of Revenue, to transmit to you the accompanying extract from the Honourable Court's letter, dated the 12th of December last.

2.—Although the general revenues of your district are about to come under a minute examination of the government, it is deemed proper that you should fur-

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nish the information respecting the slaves in your district, and the number and condition of the persons by whom the land-tax is paid, if that can be done without material difficulty.

(signed) *R. Clarke*, Secretary.

Fort St. George, 8th August 1822.

Extract, Proceedings of the Board of Revenue at Fort St. George, the 2d September 1822.

Read the following Letter to the President and Members of the Board of Revenue, Fort St. George:

Gentlemen:—I have the honour to acknowledge the receipt of your Board's orders of the 8th instant, conveying an extract from a letter from the Honourable the Court of Directors, dated 12th December 1821, and requiring information respecting the slaves in Malabar, and the number and condition of the persons by whom the land-tax is paid, provided it can be done without any material difficulty.

2.—With respect to the state of the slavery in Malabar, I take leave to refer your Board to my report, under date the 20th of July 1819, as containing all the information I have been able to collect on the subject. But should this not be considered sufficiently satisfactory and full, I beg to be honoured with your Board's instructions as to any other points on which it may be desirable to obtain information.

3.—The lands in Malabar are cultivated, and the tax paid, by every description and caste of people, with the exception of Bramins (who, however, pay the tax), as in every other part of India, whether as proprietors, mortgagees, lessees, tenants, or slaves, according to their situation and means in life; a higher casteman not unfrequently cultivates, as a hired man, the land of another of inferior caste; it is needless, therefore, to submit any observations on the measures employed for their protection, or even for those of the slaves of the soil, who, it will be seen in my remarks on the subject, are as much under the protection of the laws as any other class of people. In short, no line or distinction can be drawn between the inhabitants of Malabar and other parts of India, that I am aware of, as relates to their agricultural pursuits; neither their customs nor religion are any bar to each one engaging in these occupations, although, of course, it rarely happens that artificers, fishermen, &c. have occasion or inclination to obtain the means of living by putting their hands to the plough.

Para. 14.

4.—Although the occupants paying the land-tax are estimated at 150,000, the number of persons individually assessed is not quite so great; but many of these pay their tax in an indirect way by their tenants; many have lands in different divisions and parts of the country; and the consequence is, that they appear in the accounts separately and distinctly as so many individuals, and justly too; for, although the assessment is against one man, it is paid by his agents and tenants, although the receipt may be granted in the name of the principal.

(signed) *T. Vaughan*, Principal Collector.

Calicut, Aug. 24th, 1822.

Ordered to lie on the table.

Extract, Fort St. George Revenue Consultations, 5th November 1822.

Read the following letter from the Secretary to the Board of Revenue, Revenue Department:—

(N° 495.)—To the Chief Secretary to Government.

N° 14.

Sir:—In further acknowledgment of Mr Secretary Hill's letter of the 21st May, giving cover to the Honourable Court's letter of 12th December, I am directed by the Board of Revenue to request, that you will submit to the Honourable the Governor in council the accompanying letter from the principal collector of Malabar, of the 24th August last, referring to his letter of the 20th July 1819, submitted to government in my predecessor's letter of 2d December 1819, with the Board's proceedings of 25th November 1819, as containing all the information of moment that he has been able to collect on the subject of slavery in his district.

In Cons. 2d Sept. 1822.

Fort St. George, 10th October 1822.

I have, &c.

(signed) *R. Clarke*, Secretary.

Ordered that the foregoing letter be recorded.

Extract of a Letter in the Revenue Department from the Governor in council of Fort St. George to the Court of Directors, dated 30th December 1825.

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224.—In Malabar a numerous class of labourers employed in agriculture have not the free disposal of their own industry, but are in a peculiar state of servitude. Their condition may therefore with more propriety be regarded as dependent on the treatment which they receive from their masters, and as capable of being improved by government. But the consideration of the measures proper to be taken with respect to the kinds of slavery found to exist in India, relates to a subject of great delicacy and considerable difficulty; and we are of opinion, that it is a matter in which more good is to be expected from the gradual operation of justice and police, administered in a spirit favourable to personal liberty, than from direct interference on the part of government.

225.—We beg leave to point out to your Honourable Court's notice, the information submitted by the Board of Revenue in letters from the secretary, dated the 13th December 1819 and the 10th October 1822, relative to the slaves in Malabar. We have signified to that Board our desire to receive any further information likely to be useful which they can furnish.

Cons. 7th Feb. 1820. 10 Oct. 1822.

PAPERS relative to the Complaints of certain Native Inhabitants of Wynaad, that their Slaves had been seduced from them by the Subjects of the States of Mysoor and Coorg, 1823.

Extract, Proceedings of the Board of Revenue at Fort St. George, 2d January 1823.

To the President and Members of the Board of Revenue, Fort St. George.

Gentlemen:—1. Although perhaps more of a political nature, yet as it is a subject intimately connected with the revenues of the country, I beg leave to submit for your Board's consideration, the accompanying translations of petitions presented by certain inhabitants of the Wynaad country, complaining of the subjects of the Mysore and Coorg rajahs enticing away the slaves of the petitioners.

2.—This is a subject in which government alone can interfere; and without wishing to suggest the restoration of the slaves against their consent, it occurs to me, that the rajahs, in whose respective territories the slaves have taken refuge, might be induced to make a pecuniary compensation as an equivalent for the loss of them, but this is merely on the supposition of their being entirely emancipated from a state of slavery, and considered and protected entirely as free subjects.

3.—As it is probable that government may refer the matter through the political resident to the Mysore government, I transmit attested Canarose translations of the petitions, in order to facilitate the reference.

(signed) *T. Vaughan*, Pr. Collector.

Nudwanoor, 21st December 1821.

(A.)—To S. C. Clarke, Esq. Assistant Collector.

The Arzee of Teroonalee Devashan, inhabitant of Moonoo Koonoo Deshum Moosselhenaad Hobly, in the Wynaad talook.

On the 4th Meddom 996, thirty-three male and female slaves belonging to me, called as follow: Panear Chattakan, his son Channan, brothers Oonykan, Panneechy, Maka, Chemby, Kemby, Mady, Koongy, Chamy, Manny, her younger brother Kareeka, Veelly, Cherrooman, Paneechy Koolttaly, Paneechy Velleechy, Velly Panear, Koolloomban, Remby, Cherrooman, Panear Kashama, Choondda Paneecy, her brother Ooneekan Choy Paneechy, Mooddakalé, Kaddan Paneechy, Mula Mara Cherrooman, Karootan, Paneechy Choondda, Manjala, Chatee, Paneechy Villa, Panear Eddavan and Paneechy Paykee, deserted their place of habitation and went and resided in the Karyaddan tarrah, which is situated towards the east of the Maddakery Kolta, in the Coorg rajahs country, and I am unable to go to fetch them from thence. In consequence of the desertion of the above-named slaves, I am deprived of the means of maintaining myself and family, not being able to carry on my cultivation, from which, after paying the sircar's revenue, I derived the means of subsistence. I therefore beg to solicit, that you will take measures to cause the return of the above slaves from the Coorg country, and thereby enable me to carry on my cultivation. Dated 28th Wreschegom 998.

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Question.—Did you represent at the Talook Cutcherry the circumstance of the desertion of the said slaves?

Answer—In the month of Karkaddagom 996, I made a verbal representation of the subject at the Talook Cutcherry.

Question.—What orders did you obtain?

Answer.—The Tahsildar asked me "What was to be done."

How did you know that the above slaves took their residence in the Coorg country?

I sent the rest of my slaves in quest of them; they have been searching after them in the whole of this country, but could not trace them out; afterwards some panears came from the Coorg country, who, upon being asked, gave information that they were residing at Maddakery.

Can you state where the panears that came from Coorg are at present?

They returned to the Coorg country.

Are the desertsd slaves your jenm property, or held by you on kannoom?

They belong to me by jenm right.

Have you any document to prove it?

I have.

How many years did the slaves in question serve under you previous to their flight to the Coorg country?

They have been bought from time to time, some have been serving me for these thirteen years past, others five or six years.

Have you any witnesses who saw them working for you?

Venamkat Tevoo of Tekoomtarra, Kawoonden Rajoo of Korlta Tarra, Hoshoo-Wauchery, Ramoory and Koonary, Nambiars, of Koorrambally Hobly, are witnesses who can prove this.

(signed)

To S. C. Clarke, Esq. Assistant Collector.

The Arzee of Chatarapaddy Kawcondden, inhabitant of Moottil Tarrah Moopeyanaud Hobly, in the Wynaad Talook.

The slaves belonging to me, by name Chatee and Kashama, deserted my service in the month of Kanee 995, and went and resided in the Coorg country. I therefore request that they may be caused to return to me; dated 28th of Wrischigom 998.

Question.—Did you ever make any complaint on this subject?

Answer.—No, I did not.

On what account did you abstain from making a representation?

I deferred making a representation until I could have searched after them in this country; upon a recent inquiry I found they had gone to the Coorg country, but I am not aware in what particular place they reside. It was some panears who came from Coorg that informed me they were in that country; they did not specify the particular place of their residence, nor did I question them on that head.

Do the slaves in question belong to you in jenm or kannoom right?

They are my jenm property; they were purchased at the time of my father. The father of those who have absconded was purchased before 964, and they are his offspring.

Have you any document by which you can prove that they are your jenm property?

The document was lost during the war in 964.

How many years did the slaves in question serve you?

They have been serving me from 964 to 995; the latter, the date of their desertion.

Have you any witness who can prove that they have been working for you?

Nelepattee Veenaya Kawonddew, Vashakanddy Marryak Kawoonddew, Moorooneekaree Devassa Kawoonddew, of the Moottel Tarrah and Moopeyanaad Hobly, can prove this.

What

What is the reason that induced the slaves in question to abscond?
They were sent to watch the fields, and while on that duty the fields were destroyed by wild beasts; lest I would do to them something they absconded.

(signed)

To S. C. Clarke, Esq. Assistant Collector.

The Arzee of Vennooyah Kawoondden, inhabitant of Moottel Tarrah Moopayanaad Hobly, in the Winaud Talook.

The following slaves, viz. Velly Koottakan and Vellan, belonging to me, quitted my service in the month of Meenom 989, and went and attached themselves to Tengalenddy Churangan, of Poonat, in the Manally Hobly; I therefore request that the above slaves may be made to return to me. Dated 28th Wrischigom 998.

(signed)

Questions put by the Assistant Collector on the 12th December 1822.

Question.—Did you present any Arzee to the Tahsildar immediately after the flight of the above slaves in 989.

Answer.—In 994, when Ramasawmy was tahsildar, I presented him an Arzee, on which he gave me a letter to the address of Mallee Bemmarasan Putter, and Chandayen Putter, parbutties, under the orders of the Mysore Rajah, desiring them to get the slaves returned to me. I delivered the letter to them, but they did not attend to it by procuring the return of the slaves. I saw the slaves in the employ of Tenyaloonddy Cheerangan; he told me he would not allow them to return to me.

What was your reason for deferring your representation to the Talook, on the subject of the flight of the slaves in question, to five years after the event had taken place?

I deferred the representation until I could, by inquiry, learn where they were; as soon as I traced them out, I made the representation. They are my jenm property. I went into the Mysore country two or three times, for the purpose of finding them out, and thus discovered thom. The place called Poonat is within the Mysore country.

Have you any witness or document to prove that the slaves in question are your jenm property?

I have no documents; they were purchased by my ancestors long ago. I have however witnesses; they are Kokooshy Tummayen, of Eddanaddassakoor, and Kalpaltie Nair, of Kalpalte.

By what means can the witnesses confirm that the slaves in question are your jenm property?

They were purchased from the witness Kalpatte Nair, and the purchase was effected in the presence of Tummayen. The present two witnesses however were not ocular witnesses; it was from the Karoonawan of Kalpatte Nair, that my Karoonawen purchased them, and Tummayen's Karoonawen was then present.

Did you represent these circumstances to the principal collector, when that gentleman came to Wynaad, in the month of Chingoom 995?

I presented an arzee, and was informed that a reference had been made on the subject, and that an order would be passed on the receipt of the answer to it.

How many years did the slaves who deserted serve you?
They worked for me about 15 years.

Have you witnesses to prove that they served you 15 years?
Choondapaddy Saman Wayakanddy, Marryan Polery Devashan, Cherroonaloor Vennayen, of Mootil Tarrah, in the Moopeyanaad Hobly, are witnesses to it.

What did Cheerangan say when you applied to him for your slaves?

He said that he had given them 30 podies of raggy, and 30 fanams, which on being repaid to him he would allow the return of the slaves. This was heard by Washakandy Marriyan, who had gone along with me.

(signed)

(True translation.) (signed) *J. Vaughan,* Collector.

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Ordered, That the foregoing letter, with its enclosures, be submitted for the orders of government:—

To the Chief Secretary to Government.

Sir:—I am directed by the Board of Revenue to request that you will lay before the Honourable the Governor in council, for his orders, the accompanying letter, from the principal collector of Malabar, under date the 21st ultimo, setting forth the complaints of the inhabitants of Wynaad, that their slaves are enticed from them by the subjects of the states of Mysore and Coorg.

Fort St. George, 2d January 1823. (signed) *R. Clarke*, Secretary.

Extract, Fort St. George Revenue Consultations, 28th January 1823.

Read the following letter from the secretary to the Board of Revenue:—

N° 3. (N° 20.)—From R. Clarke, Esq. Secretary to the Board of Revenue, to D. Hill, Esq. Chief Secretary to Government, 2d January 1823.

In Cons. 2d Jan. 1823. Sir:—I am directed by the Board of Revenue to request that you will lay before the Honourable the Governor in council, for his orders, the accompanying letter from the principal collector of Malabar, under date 21st ultimo, setting forth the complaints of the inhabitants of Wynaad, that their slaves are enticed from them by the subjects of the states of Mysore and Coorg.

I have, &c.

Fort St. George, 2d Jan. 1823. (signed) *R. Clarke*, Secretary.

Ordered, That the following reply be dispatched:—

N° 4. (N° 58.)—From D. Hill, Esq. Secretary to Government, to the President and Members of the Board of Revenue, 28th January 1823.

Gentlemen:—I am directed to acknowledge the receipt of your secretary's letter of the 2d instant, (20), and to state, that it does not appear to the Honourable the Governor in council, that any interference of government, with respect to slaves said to have been seduced from their owners at Wynaad, would be likely to be attended with good effect.

I have, &c.

Fort St. George, 28th Jan. 1823. (signed) *D. Hill*, Sec. to Government.

Extract, Proceedings of the Board of Revenue at Fort St. George, 16th July 1822.

Extract from Mr. Græme's Report on Malabar, dated the 14th Jan. 1822.

30.—With the exception of the foreign bramins, called puttars, the moplahs, and the coast merchants, who are Christians, Parsees, Guzerat, Bunees (or Banyans), Jairees, and Chetties, who reside in towns and villages formed into regular streets, the inhabitants of Malabar live on small estates, situated in the higher ground, at a little distance from their rice lands, and in the midst of their plantations of cocoa-nut, beetle-nut, and jack. Their houses are in general substantial, comfortable, and neater, beyond comparison, than those of the Hindoos of the other caste; and there is an air of contentment and vivacity, which is particularly pleasing. This description applies more strongly to places in the vicinity of the coast, and in the interior there is not so much comfort, though the inhabitants are far from being badly off. The slave alone has his sieve of a hut in the centre of the rice lands, but on the coast at least he is an industrious, and not an unintelligent being, and in good condition, and nothing deficient in bodily frame. In the interior, he is a wretched, half-starved, diminutive creature, stinted in his food, and exposed to the inclemencies of the weather, whose state demands that commiseration and amelioration which may confidently be expected from the humanity of the British government, provided it can be shewn, that a change for the better can be effected without hazarding an evil of any formidable magnitude, without incurring the risk of general discontent, or exciting a worse feeling towards the objects themselves, by an unsuccessful endeavour to mitigate their ill treatment.

31.—The slaves of Malabar, known generally by the name of chermurs,* are entirely prædial, or rustic, being engaged only in the cultivation of rice lands and plantations. I except, of course, the Mussulmans, who may be domestic slaves, and

* N. B.—Cherman in the singular; chermur or chermurkel, plural; cherme, for a woman of this caste.

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and live in the houses of their masters, and partake of all the privileges of their religion. This kind of slavery is a social fraternity, and is a step to the best comforts, and the highest honours of life among Mussulmans. It is totally dissimilar, in every essential point, to the servitude of the chermur, which is the most prevalent designation of the slaves of Malabar.

32.—Slaves are said to have been introduced by Purasarama, for the tillage of the ground, at the time that he gave the country to the Bramins. By others, they are said to have derived their origin from the Hindoo law, or at least to have had their numbers multiplied under the operation of it. Individuals became outcasts, or chundalas, by sins against the laws of their castes, and subjected themselves to servitude. It is extraordinary, that the custom of making slaves of free-born persons is not admitted as having lasted to the close of the government of the rajahs; but it is attempted to be accounted for, by the Mahomedan religion affording a ready asylum to outcasts of all descriptions, and by its being more profitable to the rajahs to dispose of them to Mahomedans, who made converts of them, than to reduce them to slavery. It had an equally good effect; as classing them among chundalahs; since their incorporation with Mahomedans removed them from the view of Hindoos, and prevented the effect of bad example, and obviated the hazard of their caste being contaminated. They were in future confined to a different circle, possessing, indeed, rights and privileges, but such as were quite unconnected with the customs of the caste to which they formerly belonged.

33.—Slaves may be sold with or without the soil, and in a different place from that of their birth, or of their usual residence; they may be disposed of in another talook, but it must be contiguous, and that seems the utmost extent to which the power of removal goes. It is not customary, at least, to send them to a great distance, and such a measure would be considered unwarrantable, cruel, and, if not justifying, causing, at least, desertion.

34.—They may be let out in simple rent, or mortgaged under the deeds of veerom patum, paneyum, kanum, wottee, and uttipair; and the following statement, which is taken from written testimony of the principal inhabitants of each district, to whom the collector, Mr. Vaughan, made a reference, may be presumed to show, in an authenticated state, the sums for which they are generally leased, mortgaged and sold.

TALOOKS.	Caste of the Slave.	His description.	Amount for which generally leased.	MORTGAGE. Tenure under which generally mortgaged.	MORTGAGE. Amount for which mortgaged.	Value of a Slave when sold.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.
Calicut	Cherman	Man	from 1 to 3 gold fanams.	Wottee	32 gold fanams	48 gold fanams	
		Woman	1 to 2 d°	D°	20 d°	30 d°	
		Boy	- - -	- - -	- - -	10 d° & upwards	
		Girl	- - -	- - -	- - -	7½ d°	
Betutnad	Yerlar and Kunnakun.	Man	3 old gold fanams.	Wottee Kanum Paneyum	60 old gold fanams 35 d° 20 d°	80 old gold fanams.	
		Boy	1 d°	Wottee Kanum Paneyum	20 d° 16 d° 10 d°	30 d°	
	Poleyan	Man	3 d°	Wottee Kanum Paneyum	40 d° 24 d° 16 d°	48 d°	
		Woman	3 d°	Wottee Kanum Paneyum	48 d° 32 d° 24 d°	64 d°	
		Girl	1½ d°	Wottee Kanum Paneyum	24 d° 16 d° 8 d°	30 d°	
		Boy	1½ d°	- - -	- - -	24 d°	
	Parayen	Man	3 d°	Wottee Kanum Paneyum	40 d° 24 d° 16 d°	48 d°	
		Boy	1½ d°	- - -	- - -	24 d°	

TALOOKS.	Caste of the Slave.	His description.	Amount for which generally leased.	MORTGAGE. Tenure under which generally mortgaged.	MORTGAGE. Amount for which mortgaged.	Value of a Slave when sold.	Remarks
1.	2.	3.	4.	5.	6.	7.	8.
Choughaut	Yerlur, Kannakun, Numboo, Vattooven and Parayen	Man	3 gold fanams	Wottee Paneyum Kanum	80 d° 60 d° from 20 to 50 d°	120 gold fanams	
		Boy	- - -	- -	- - -	from 20 to 50 d°	
	Poleyan	Man	- -	Wottee Paneyum Kanum	40 gold fanams 30 d° 20 d°	60 gold fanams.	
		Boy	- - -	- -	- - -	from 15 to 30 d°	
Paulghaut	Yerlur, Kongalum, Kannakuvaloovan, Malayen and Parayen.	Man	- - -	Kanum Paneyum	200 gold fanams 100 d° - -	250 gold fanams	
		Boy	- - -	Kanum Paneyum	60 d° - - 30 d° - -	100 d° - -	
		Woman	- - -	Kanum Paneyum	100 d° - - 75 d° - -	150 d° - -	
	Pola, Valoovan, and Poleyan.	Man	- - -	Kanum Paneyum	50 d° - - 50 d° - -	75 d° - -	
		Boy	- - -	Kanum Paneyum	50 d° - - 30 d° - -	75 d° - -	
		Woman	- - -	Kanum Paneyum	100 d° - - 75 d° - -	200 d° - -	
		Girl	- - -	Kanum Paneyum	75 d° - - 50 d° - -	100 d° - -	
Temalpoor	Koodummar, Nátalum, Yerlur, Kongalum, Malayen, Valoovan, Kannakum, and Koorumbur.	Man	14 purrahs of paddy -	Wottee Kanum Paneyum	200 gold fanams from 100 to 175 d° „ 120 to 150 d°	200 gold fanams	
		Boy	7½ d° - -	Wottee Kanum Paneyum	„ 50 to 100 d° „ 50 to 75 d° „ 30 to 50 d°	from 50 to 100 d°	
		Woman	10 d° - -	Wottee Kanum Paneyum	„ 100 to 150 d° „ 75 to 120 d° „ 50 to 75 d°	from 100 to 150 d°	
		Girl	5 d° - -	Wottee Kanum Paneyum	„ 50 to 75 d° „ 30 to 50 d° „ 20 to 30 d°	from 50 to 75 d°	
Nedingoonad	Yerlur and Kannakun.	Man	from 3 to 7½ purrahs of paddy -	Wottee Kanum Paneyum	60 gold fanams from 30 to 50 d° 40 gold fanams	75 gold fanams	
	Poleyan	Man	2 d° - -	Wottee Kanum Paneyum	30 d° - - 15 to 25 d° -	40 d°	
		Woman	3 d° - -	Wottee Kanum Paneyum	60 d° - - from 30 to 50 d° 40 d° - -	75 d°	
Waloowanad	Yerlur and Kannakun.	Man	3 gold fanams	Wottee Kanum Paneyum	90 gold fanams 75 d° - - 60 d° - -	120 gold fanams	
		Boy	- - -	Paneyum	15 d° - -	30 d°	
	Poleyan	Man	3 d° - -	Wottee Kanum Paneyum	60 d° - - 40 d° - - 35 d° - -	75 d°	
		Woman	2 d° - -	Wottee Kanum Paneyum	60 d° - - 40 d° - - 50 d° - -	from 90 to 100 d°	
		Boy	- - -	Paneyum	10 d° - -	20 d°	

TALOOKS.	Caste of the Slave.	His description.	Amount for which generally leased.	MORTGAGE. Tenure under which generally mortgaged.	MORTGAGE. Amount for which mortgaged.	Value of a Slave when sold.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.
Ernad	Poleyan	Man		Wottee Kanum Paneyum	80 gold fanams 60 d° 40 d°	100 gold fanams	
		Woman		Wottee Kanum Paneyum	80 d° 60 d° 40 d°	160 d°	
	nnnakun, Punneum, Koorrumbur and Allur	Man		Wottee Kanum Paneyum	100 d° 80 d° 60 d°	160 d°	
Shernad	Kulladee and Kunnakun.	Man	3 gold fanams	Wottee Kanum Paneyum	from 65 to 70 gold fanams. „ 50 to 55 d° „ 35 to 40 d°	from 100 to 110 gold fanams.	
		Boy				from 30 to 35 d°	
	Poleyan	Man	3 ditto	Wottee Kanum Paneyum	from 45 to 50 d° „ 35 to 40 d° „ 30 to 35 d°	from 75 to 80 d°	
		Boy				„ 35 to 40 d°	
		Woman	2 ditto	Wottee Kanum Paneyum	from 60 to 65 d° „ 40 to 45 d° „ 25 to 30 d°	„ 100 to 110 d°	
		Girl				„ 40 to 45 d°	
Kooroombarnad	Poleyan and Kulladee.	Man	2 purralis of paddy.	Wottee Kanum	20 gold fanams less than 20 d°	40 gold fanams	
		Woman	1 ditto	Wottee Kanum	15 gold fanams less than 15 d°	25 ditto	
Kartanad	Poleyan	Man	10 yedingullies of paddy.	Wottee Kanum Paneyum	20 silver d° less than 20 d° from 8 to 10 d°	40 silver d°	
		Woman	5 ditto	Wattee Kanum	20 silver d° less than 20 d°	40 ditto	
Tellicherry	Poleyan, Navilen, Kurrimpullen, and Punnicar.	Man	10 silver fanams			120 ditto	
Chericul		Man	5 silver fanams	Wattee Kanum Paneyum	70 silver fanams 50 ditto	100 ditto	
		Boy				30 ditto	
		Woman		Paneyum	60 ditto	125 ditto	
		Girl				40 ditto	
Cavoy	Kurrimpallen, Mavillen, and Peringals, Vatooven.	Man	50 yedungullies of paddy.	Wottee	from 100 to 200 silver fanams.	—	
		Woman	d° d°			300 silver fanams	
	Taloomavilawen	Man	50 ditto	Wottee Paneyum	200 silver fanams 150 ditto	350 ditto	
	Poleyan and Parayen.	Man	60 ditto	Wottee	40 ditto	60 ditto	
		Woman				200 ditto	

TALOOKS.	Caste of the Slave.	His description.	Amount for which generally leased.	MORTGAGE. Tenure under which generally mortgaged.	MORTGAGE. Amount for which mortgaged.	Value of a Slave when sold.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.
In the Mooloowad Hoblee of the Wynad of Talook.	Puniur - -	Man -	3 poddies of paddy	Wottee -	32 rupees -	40 rupees	
				Kanum -	20 d° - -		
				Paneyum	15 d° - -		
		Boy -	1 d° - -	- - -	- - -	12 d°	
		Girl -	1 d° - -	- - -	- - -	3 rupees, 80 reas	
Remaining Hoblees of the Wynad Talook.	Punnuck and Adian.	Man -	3 poddies of paddy	Wottee -	27½ rupees -	35 rupees	
				Kanum -	15 d° - -		
		Boy -	1 d° - -	- - -	- - -	12 rupees	
		Girl -	1 d° - -	- - -	- - -	3 rs. and 80 reas	
	Moopen and Naiken.	Man -	4 silver fanams	Wottee -	52 silver fanams	64 silver fanams	
				Kanum -	30 d° - -		
	Poleyan - -	Man -	- - -	Wottee -	10 rupees -	12 rupees	
				Kanum -	6 d° - -		

35.—The preceding statement shews the amount customary in each talook for each caste of slaves; the following abstract gives generally the highest and lowest amount for each caste in the whole province :—

Caste of the Slave.	His Description.	Amount for which generally leased.	Amount for which generally mortgaged.	Value of the Slave when sold.	Remarks.
1.	2.	3.	4.	5.	6.
Chermans - -	Man - -	from 1 to 3 gold fanams	32 gold fanams -	48 gold fanams	
	Woman -	„ 1 to 2 d° - -	20 d° - - -	30 d°	
	Boy - -	- - - -	- - - -	10 and upwards d°	
	Girl - -	- - - -	- - - -	7½ d°	
Yerlur - -	Man - -	from 3 to 7½ d° -	from 20 to 200 d° -	from 75 to 250 d°	
	Boy - -	„ 1 to 7½ d° -	„ 15 to 75 d° -	„ 20 to 100 d°	
Poleyan - -	Man - -	from 3 to 4 gold fanams	from 15 to 80 d° -	from 40 to 100 d°	
	Woman -	„ 2 to 3 d° -	„ 15 to 100 d° -	„ 25 to 140 d°	
	Boy - -	1½ d° - - -	„ 10 to 50 d° -	„ 15 to 75 d°	
	Girl - -	1½ d° - - -	„ 8 to 75 d° -	„ 30 to 100 d°	
Kannaken - -	Man - -	from 3 to 7½ d° -	from 20 to 200 d° -	from 80 to 200 d°	
	Boy - -	“ 1 to 5½ d° -	„ 20 to 100 d° -	„ 30 to 100 d°	
Prayen - -	Man - -	from 3 to 3½ d° -	from 14 to 80 d° -	from 48 to 250 d°	
	Boy - -	1½ d° - - -	“ 20 to 50 d° -	„ 20 to 100 d°	
Kangalun - -	Man - -	- - - -	from 100 to 200 d° -	250 d°	
	Woman -	- - - -	“ 75 to 100 d° -	150 d°	
	Boy - -	- - - -	“ 30 to 60 d° -	100 d°	
Malayen - -	Man - -	14 parrahs of paddy	100 to 200 d° - -	200 to 250 d°	
	Woman -	10 d° - - -	75 to 150 d° - -	100 to 150 d°	
	Boy - -	7½ d° - - -	30 to 100 d° - -	50 to 100 d°	

Caste of the Slave.	His Description.	Amount for which generally lensed.	Amount for which generally mortgaged.	Value of the Slave when sold.	Remarks.
1.	2.	3.	4.	5.	6.
Koodummar	Man	14 purrahs of paddy	60 to 200 gold fanams	160 to 200 gold fanams	
	Woman	10 d°	50 to 150 d°	100 to 150 d°	
	Boy	7½ d°	30 to 100 d°	50 to 100 d°	
	Girl	5 d°	20 to 50 d°	50 to 75 d°	
Natalan	Man	14 d°	100 to 200 d°	200 d°	
	Woman	10 d°	50 to 150 d°	100 to 150 d°	
	Boy	7½ d°	30 to 100 d°	50 to 100 d°	
	Girl	5 d°	20 to 50 d°	50 to 75 d°	
Waloovan	Man	14 d°	100 to 200 d°	200 d°	
	Woman	10 d°	50 to 150 d°	100 to 150 d°	
	Boy	7½ d°	30 to 100 d°	50 to 100 d°	
	Girl	5 d°	20 to 50 d°	50 to 75 d°	
Punniun	Man	7 gold fanams	52½ to 112 d°	84 to 140 d°	
Allur	Man	-	60 to 100 d°	160 d°	
Kulladee	Man	3 gold fanams	20 to 78 d°	100 to 110 d°	
	Boy	-	-	30 to 35 d°	
Kurrimpullen	Man	7 gold fanams	-	84 to 140 d°	
Mavillen	Man	7 gold fanams	from 70 to 140 d°	—	
	Woman	-	-	210 d°	
Ooratee	Man	3½ gold fanams	35 to 40 d°	70 d°	
	Woman	-	42 d°	87½ d°	
	Boy	-	-	21 d°	
	Girl	-	-	28 d°	
Adian	Man	3 poddies of paddy	52½ to 96¼ d°	105 d°	
	Woman	1 d°	-	11 d°	
	Boy	1 d°	-	42 d°	
Moopen	Man	2¾ gold fanams	21 to 36½ d°	44¾ d°	
Naieken	Man	2¼ d°	21 to 36½ d°	44½ d°	
Numboo Vettooran	Man	3 d°	20 to 80 d°	120 d°	
	Boy	-	-	20 to 50 d°	

N. B.—There are 3½ gold fanams for 1 rupee.
4 old fanams for 1 d°.
5 silver d° for d°.

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36.—It is not admitted that the proprietors of slaves had at any time the power of life and death over them; that measure of severity was never executed, except under the sanction of the nadwalee of the district in particular cases, but generally the rajah. Their authority over them extended only to corporal punishment, and confining in the stocks, and they still chastise them for petty offences. The slaves of Malabar are equally well defended by the British law against any enormous stretch of power, as any other subjects of the British government; and the collector and magistrate of the province declares, "that there have been few complaints of ill-usage, though instances have not been wanting," he states, "of proprietors having been brought to justice for wounding and murdering them." If the ill-usage alluded to is that of corporal punishment, or of neglecting to supply a proper quantity of food, it must be observed, that in most places slaves have been too entirely dependent upon their masters, and the interference of the magisterial authority has hitherto been so systematically withheld from regulating the modus of their daily food, that they could not, with any prudent regard to the interests of themselves and families, resort to a higher power. Even the cases of wounding and murdering are probably brought to notice, more by the agency of the police officers, who feel the obligations imposed by their situations, than of their own accord, in the districts adjoining to the Coorg territory; in which latter, great encouragement is given to settlers; and where they are well fed, the slaves show their sense of ill-treatment by deserting to it. They immediately put on a larger quantity of clothing, and disguising themselves under an alteration of head-dress, intermix with the inhabitants, and are not easily discovered by their masters.

37.—The custom of mukkatayum, or inheritance by sons to the rights of their fathers, prevails in the castes of Kullodee, Kunnakun, Yerlur, Allur, Puniur, Parayen, Number Vuttooven, Kongalum, Koodummur, Natalum, Malayen, Koorumbur, Punni Malayen, Adian, Moopen, and Naiken; and that of murroo mukkatayum, or inheritance by sons to the rights of their mothers, in the castes of Poleyan, Waloovan, Ooratee, Kurrimpatten, and Mavilen.

38.—In the caste of Paliur alone, the pure murroo mukkatayum, or the succession of sons to the rights of their mothers, and not to those of their fathers, prevails.

39.—In the Calicut district, there is an anomaly in the general system among the Paliur, the Kulladee, and the Kunnakur, which are the only three castes of slaves residing there; there is a mixture of the two customs of mukkatayum and murror mukkatayum, that is, the one or the other does not obtain separately in different families in the district, but in all the families throughout the district, the inheritance partakes of the two modes, and half of the children are considered to go with the mother, and consequently to belong to her proprietor, and half to be attached to the father, and therefore to be the property of his master. Where the number may not admit of an equal division, the odd number is reckoned to be the mother's.

40.—The wife of a Palium, and of all the castes who observe the murroo mukkatayum, may be sold separately, and may therefore belong to a different master from the master of her husband, but she cannot be separated from her husband; she must be allowed to remain with him; she is purchased separately in consideration of her future offspring, which, by the custom of murroo mukkatayum, would become the property of her purchaser.

41.—In the other castes, the females are not separately saleable; neither the wife nor her female children. The daughters become the temporary property of the masters of their husbands, but this right of property ceases upon the death of the husband, and the wife returns to the house of her father.

42.—The rules of Malabar prescribe, that a slave of the caste of Poleyan, Waloovan, and Brayen, shall remain 72 paces from a Bramin and from a Nair, and 48 from a Tean. A slave of the Kunakur caste 64 paces from a Bramin and Nair, and 40 from a Tean; and the other castes generally 48 paces from a Bramin and Nair, 24 from a Tean.

43.—In the northern division these rules are deviated from in practice, in favour of the slaves, whilst in the southern division they are thought to be exceeded in strictness.

44.—The different castes of slaves keep up a distinction between each other, and do not intermarry or eat together. With the exception of the castes of Parayen and Kunnakun, the other castes of slaves abstain from eating or slaying the cow. These circumstances

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circumstances lead to strengthen the idea of their having been outcasts, and having adopted the habits of the castes from which they originally sprung.

45.—In most places slaves are fed by their masters throughout the year; but their allowance on days that they have no work, is only half of what is fixed when they are employed. In several places on the coast, however, they are only paid when they work, and when not employed by their masters, they seek subsistence elsewhere. In the neighbourhood of large towns this is no hardship; on the contrary, they acquire much more in carrying grass, firewood, and other things to the market, and in working for others, than they can get from their masters; and slaves in this situation, are in consequence in finer condition, more intelligent, and more cheerful than they are elsewhere. The only hardship to them is, that they are obliged to obey their master's requisition for attendance upon an inadequate allowance.

46.—Masters through the means of their kriskee kara, or stewards, who are in direct and much more confidential communication with slaves, give presents of clothes, oil, or grain, or a few fanams, on a birth, death or marriage in the family of a slave. In the harvest time, slaves are entitled to the crop of certain portions of the different fields, as a compensation for watching them, under the name of punda kavul; he guards the lands surrounding the pundal or awning under which he sits. In the caste of Polnor, which is considered the most industrious and docile, and most trustworthy, a further fee of the same description is given to a kind of head man, whose duty it is to prevent the inroads of cattle in a large tract of rice land belonging to different proprietors.

47.—Masters are not entitled to the property of their slaves unless they die without heirs, but except near large towns on the coast, it would appear that this privilege is not very profitable to the proprietor, as property is seldom made by slaves.

48.—It is very generally admitted, that the price of slaves has risen since the Company's government; this is attributed to the increased demand for them; and the demand again owes its rise to the tranquillized state of the country to an extended cultivation, and to a greater number of Teans, and others of the lower classes, having become cultivators of land, than was usual under the former custom of the country.

49.—In comparison with some other parts of the world, the slavery of Malabar may be considered of a mild description. The individuals are born in it, and it is a second nature to them. The habits of their lives from childhood are formed in subserviency and accommodation to it, and they feel no impatient irksomeness arising from the cherished memory of rights and comforts once enjoyed, which they have recently lost, or from a spirit of proud independence conscious of a title to higher privileges, and indignant at an unjust exclusion from them. Their habitual dependence upon superiors, would for a time, even make them uneasy upon being thrown adrift upon their own resources. The introduction to slavery does not bring to them the horrors of being torn violently from the country of their birth, from their nearest and most endeared kindred; of being degraded to the level of beasts, and sold like them; of suffering the cruelties of a ship imprisonment; of being forced to adopt new habits of life; new kinds of food; new modes of dress; and a new language; subjected to a foreign master, speaking a strange language, and frequently devoid of the least degree of sympathetic feeling towards them.

50.—On the other hand, the condition of the predial or rustic slaves of Malabar, cannot bear a favourable comparison with that of household or domestic slaves among the Mahomedans. The latter are received with them into a fraternity, and are no longer kept at a suspicious distance. In Arabia their treatment is said to be like that of children, and they go by the appellation of sons with their masters. They often rise to the most confidential station in the family, and the external appearance of the master and slave is hardly distinguishable, they are so much upon a par.

51.—In Canara it is not uncommon for slaves to have small pieces of land given to them by their masters for raising vegetable productions, and they sometimes have parts of rice fields, and a few cocoa-nut trees, particularly assigned to their use. Lands are also leased out to them. They are not either held in the same degree of disrepute with respect to caste; their approach short of actual contract is suffered without contempt by their Soodra proprietors, and they seem in this respect to have the same privilege as a man of the Tean caste, in Malabar, has relatively to a Nair.

52.—In Malabar, a few individual instances are mentioned of slaves holding lands in pitum or lease, and of their being responsible for the government revenue, it being

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being entered in their names in the accounts, but these instances are very rare exceptions to the general rule.

53.—Upon the occasion of the condition of the slaves of Malabar being brought into notice, it was lately suggested, that slavery should be subjected to the rule of the Mahomedan law. This, if carried completely into effect, would indeed mitigate the severity of slavery, and render slaves in Malabar a very different race of mortals; but, strictly speaking, slavery is not permitted by the Mahomedan law to be practised by any but Mussulmans, and even by them only as regards the inhabitants of countries not agreeing to become converts to Mahomedanism, and at the same time refusing to pay the tax imposed by Mahomed upon infidels, or to permit the free exercise of the Mahomedan religion. Slaves made so by stealth, and not in open war, or on an authorized occasion, are not recognized by the Koran, and the acquisition of slaves by purchase, as practised by the Mopla Mahomedans in Malabar, is equally irreconcileable to the Mahomedan law. Though it may be impossible to apply the minutiæ of the Mahomedan law to the peculiar kind of slavery existing in Malabar, it is nevertheless easy to borrow from the benevolent spirit of the law, or of the actual practice among Mahomedans. Ill treatment of slaves is with them punishable by the slave being emancipated, to the loss of the master, or being sold to another master, on convictions before the quazee.

54.—Though it may be allowed, that slavery in Malabar is not intolerable, and not exercised to an excessive degree of active cruelty, the diminutive and squalid appearance, and the wretched hovels of a race of beings on the province, who by a census taken of the population in Fusly 1216, were reckoned to amount to 94,786, sufficiently indicate, that they do not enjoy that comfortable state of existence which every person should at least have it in his power to acquire by his labour. There are no doubt many freemen in the different ranks of society who are equally indigent with the slave. The slave is scarcely ever exposed to the extremity of actual starvation, and it has been stated by respectable public authority, and I understand with correctness, that a beggar of this caste is seldom or never to be found. But among the freemen there are too many, who are too proud, from their former rank, too idle, and too dishonest from habit, to work, and they have recourse to charity and fraudulent means to gain their subsistence; but it matters not that many worthless characters are in worse circumstances; the question is, whether slaves are as comfortable as they ought to be, and whether they acquire as much by their own industry in servitude, as they would in a free state? Their condition is undoubtedly improved considerably under the Company's government; for the British law has extended its protection to them in common with all, against injury to their lives or limbs, or any great severity of ill usage; but British justice and humanity are not satisfied till they have accomplished, by rational means, all the good that is capable of being done. The general tranquillity which prevails through the British empire in India, seems to present a favourable opportunity for commencing the work of amelioration, and to withhold it, would be to sanction the perpetuity of slavery.

55.—The allowance made to slaves in the different districts, contrasted with what a free labourer gets, is as follows:—

	Daily Allowance of Paddy for			Daily Allowance of Paddy for a free Labourer.
	A Male Slave.	Female Slave.	Total.	
	Macleod Seers.	*Macleod Seers.*	*Macleod Seers.*	*Macleod Seers.*
Calicut	1 1/2	1	2 1/2	2 1/4
Betutnad	1 1/2	1	2 1/2	2
Choughaut	1 1/2	1 1/2	3	2 1/2
Temelpore	1 1/2	1 1/2	3	2 1/2
Palghaut	1 1/2	1 1/2	3	2 1/2
Waloovanad	1 1/2	1	2 1/2	2 1/2
Ernad	1 1/2	1	2 1/2	2 1/4
Nidoonganad	1 1/2	1	2 1/2	2 1/4
Shernad	1 1/2	1	2 1/2	2
Koorumbuad	1 1/2	1	2 1/2	2
Cavoy	1 1/2	1	2 1/2	2 1/2
Cherikal	1 1/2	1	2 1/2	2 1/2
Kartuad	1 1/2	1	2 1/2	2
Kotiate	1 1/2	1	2 1/2	2 1/2
Tellicherry	1 1/2	1	2 1/2	2 1/4

N. B.—The rates here mentioned may vary in respect to the price of paddy.

This information was furnished to me by respectable natives, who are proprietors of slaves themselves, and not disposed to admit that the authority over slaves is exercised with any extraordinary severity.

56.—The most serious objections I have heard against any active measure in favour of the slaves of Malabar, are the violation of the rights of private property, which it would involve, and the necessity to which the proprietors would be subjected of paying more for labour, employed in the cultivation of their lands, and the difficulty which slaves would have of subsisting, if left to their own resources.

57.—It is not requisite to make such an abrupt innovation upon established rites and customs, as to declare the slaves to be free forthwith, but a prospect should be opened of eventual but gradual emancipation, and proprietors should be indemnified by the payment of a maximum price, which should previously be ascertained for each district, and promulgated. To set the example, government might be disposed to sanction, the occasional appropriation of small sums annually to the purchase of slaves, and to accept slaves in payment of arrears of revenue, which from being too heavy, it might at all events be advisable to remit; but in all these cases, the wishes of the individuals themselves should be consulted, and they should not be emancipated unless they feel confident of being able to earn their own livelihood without assistance. Slaves should also have the power of redeeming themselves from servitude, whenever the exertions of their own industry may place them in a state of indemnifying their masters for the loss of their rights of property over them. The magistrate should have the power of fining or emancipating for ill treatment. It need not be apprehended that these provisions would bring about an emancipation too rapidly; but the knowledge of their future operation would in the mean time act as a stimulus to the activity of the slaves, and it would insure better treatment on the part of the proprietors. Slaves thus cautiously emancipated would not be likely to leave their usual places of residence, as long as they afford the necessary means of subsistence, and that in most cases they would, there can be little doubt, for there could be nothing to diminish the demand of their old masters for their services. They would therefore still be living on the old estates, but more comfortably and respectably, and probably less addicted to the petty pilfering of which their masters now accuse them. A great improvement might be expected to take place in the state of cultivation in the province, for not only would the old slaves work more cheerfully, and with more effect, but many proprietors in the southern division, who from indolence leave every thing to their slaves, would be inclined to betake themselves to manual labour, when they found that they were obliged to pay higher for it in others. Upon the principles of these observations, I have drawn out a regulation respecting slaves, which I have submitted to government through the Board of Revenue. The cautious nature of the different provisions, renders it easy to apply it to Canara as well as Malabar, without inconvenience; for though in Canara slavery may be considered to exist in a milder form, its gradual supercession would be attended with benefit.

58.—Upon an assurance from themselves that they would earn a more liberal subsistence in a free state, I purchased and emancipated at Calicut, under deeds registered in the zillah courts, a woman of about 52 years of age, her son of 31, her daughter 25, with an infant in her arms, and the husband of her daughter of 35. They are of the Kalladee caste. They feel, I believe, some degree of awkwardness at not having some tambran, some patron to look up to; and their neighbours, who derived no pleasure from the example of emancipation thus commenced, endeavoured, and in part succeeded, in instilling into them the idea, that they were purchased with no other motive, than that of being conveyed by sea to some distance on a good opportunity; but their alarm was not so great as to prevent their communicating the report to me on being asked. They were every day engaged out at work, upon terms which secured them a comfortable livelihood, so that I have little doubt that their freedom will promote their comfort and happiness.

79.—The following may be reckoned the chief sources of the revenues of the rajahs of Malabar before the country came into possession of the Company.

8.—Polyāttă Pennă, - - - ———; Tamul.

87.—Polyāttă Pennă, or degraded women, were a source of profit to rajahs; outcasts, not exclusively, but chiefly of the Bramin caste, they were made over to rajahs to take care of. As a compensation for their maintenance, and for the trouble of preventing their going astray again, the family of the outcast were in the habit of offering to the rajahs as far as 600 fanams, or 150 rupees. The rajahs

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then disposed of them for money, but their future condition was not exactly that of a slave. They were generally bought by the coast merchants called Chetties, by whom they had offspring, who came to be intermarried among persons of the same caste, and in a few generations their origin was obliterated in the ramifications of new kindred into which they had been adopted.

Polghaut Talook.

600.—Slaves have in this district, what they have not in others, employment throughout the year; when their presence is not required in the rice cultivation, they have to bring wood for fuel and building, from a distance, which is not necessary in the districts where the cocoa nut grows in abundance, near the houses of the inhabitants.

1,130.—The landed proprietors of Wynaud are torpid to a degree; all the field work is done by slaves called Paniers, who are held in higher estimation than the slaves of the lower districts. They are admitted to the threshold of their masters houses, and they are even employed in grinding rice for the use of the temples. There is besides a numerous race of men called Koorchur, who are ignorant and superstitious to an extreme, and are easily worked up into insubordination by the arts of their chiefs. Wynaud is readily combustible, and its management requires a conciliatory but firm hand; I think the establishment of one tahsildar insufficient for so extensive, wild and savage a district.

1,583.—In the large towns of Tellicherry, Calicut and Cananore, the wages of labour vary from half to one billy fanam a-day, according to the work; a spadesman gets half a fanam, a labourer in house building one fanam, a labourer at a fence or mud wall half a fanam; besides this the hire of porters is regulated by the distanse they have to carry loads within the town and its immediate vicinity.

1,584.—A common labourer may be reckoned to be able to procure work for eight months of the year, or about twenty days of each of the twelve months, which will give ten or twenty old fanams (two and a half or five rupees) a month, according to the work; porters again earn from seven to eight rupees per month.

1,585. Common labourers in the inland districts may be reckoned to get one new gold fanam among three or four, or a quarter or a third of a fanam each, and to have work for twenty days in the month, and to get 5,00 c ¼ fanams or 1 ¼ rupees, and 72 reas or 1 ¼ rupees and 60 reas per month.

1,586.—In the northern division, from two to two and a half yedungallees of paddy, and in the southern division, from two to three yedungallees are given to field labourers; it is paid in kind. It must be remarked, that grain is cheaper in the southern than the northern division. If the labour were paid in money this difference would be a proof that the southern labourers are remarkably well paid.

Appendix (R.)

Examination of Koonda Minon, Kariakur Vadakay Yadatoo, Vumboodrie, Karatoo Yeadatoo Numboodrie, Killay Yadatoo, Kamoo Menon, Kotit Koroo Menon, Potana Nair, Nedatoom Killay Nair, Kotenjarry Punikar, and Parawnay Punikar, Nadrullies, Deshwallies, Jumakars and Mookistamars of the Betutnaad and Purpunaad Talooks, taken on the 6th June 1819, and continued till the 8th.

36. *Question.*—What is the price for which a slave is sold?

36.—One hundred old fanams for a cherman and chermee of the Kanakur tribe; for a cherman of the Erratan tribe 48 fanams, and a chermee of the same tribe, 64 fanams are the usual prices.

37.—How is the patum or chermakal fixed?

37.—The patam of a cherman and chermee would be five old fanams per annum.

38.—What is the daily allowance of a cherman and chermee?

Two and a half yedingullies of paddy per diem.

(S.)—Examination of Moolanoor Numboodry, Karatulayatoor Namboodry, Kodita Namboodry, Korangal Naunboodry, Pathry Sherey, Moossatha and Koonat Moossatha Dershevies, and Peroomboolavil Koondomenon, Pulikera Kristnarkar Nair, Peroombilavib Therarepa Menon, Chalapoorat Kristna Menon, Mookestan of Choughaut and Kootnad Talook, taken on the 27th Eddavom 994, M. S. or 29th May 1819.

36. *Question.*—What is the rate at which addiars (slaves of the soil) are sold?

36. *Answer.*

36. *Answer.*—Formerly the price of a cherman of the Kanakan tribe was 75 fanams, and that of a chermy and her child of the Poolar tribe also 75 fanams; the present price may be taken from 50 to 120 fanams.

37.—In what manner is the pattom or chermakals fixed?

37.—If verroom pattom, a male and female chermar together would fetch three parrahs of paddy (annually); if given on kannom, the interest of the kannom would be deducted, and the remainder left as the pattom.

38.—What is the vullee or hire payable to them?

38.—Four seers of paddy (a-day) for a male and female slave together.

(T.)—Examination of Rakanat Kaymall, Kenat Achan, Eddatarra Kamall, Manoor Nair, Kongat Nair, Sajana Nambiar, Keyhadatti Kristna Menon, Erangaloor Chandoo Taravanar, Manambrakat Shangara Panikar, Kaddom Kanddatil Ranren Manuddy Nair, Koddomsherry Chepa Panikar, Navaloor Chatoonair and Chenat Nachan, of the Palghat Talook; taken on the 16th May 1819.

36.—*Question.*—What is the selling price of slaves?

36.—*Answer.*—Formerly, a male and female together, of the churmur caste, were procurable for 250 fanams, and now 300 fanams.

(signed) *Rekanat Kaymall; Kenat Achan; Eddattarra Kaymall; Manoor Nair; Kongat Nair; Sajana Nambiar; Keyheddato Kristna Menon; Erengaloor Chandoo Travanon; Manambrakat Shangara Panikar; Kaddoom Kanddatil Ramen Manaddy Nair; Koddoom Shery Chepa Panikar; Navaloor Chatoo Nair; Chenat Achan.*

Further Examination:

37.—*Question.*—In what manner would pattom on slaves, called chermers, be fixed?

37.—*Answer.*—A male and a female chermer, would together be held to yield a pattom of 12 fanams per annum; if only one, 6 fanams. The sale and transfer of slaves are conducted in the same manner as those of land.

38.—What is the vullee or hire allowed to them?

38.—To a male and female slave, 5 dangolies (equal to 4 macleod seers) are given daily, both for their maintenance and toddy.

(Y.)—Walloowanaad.

Examination made on the 23d Meddom, 994, M. S. or 4th May 1819.

36.—*Question.*—What is the price at which slaves are given in jennon?

36.—*Answer.*—Formerly, a good Poola cherman (male), and a chermy (female), would fetch 90 fanams; at present, as far as 150. Formerly, a cherman of the Kunnakan or Erralan caste would fetch 60 fanams, and at present, as far as 100 fanams.

37.—What pattom would each yield, and what are the customs observable at the time of selling?

Bonds similar to those when lands are sold or transferred, are passed. Formerly, the pattom was not above 3 parrahs of paddy, or 3 fanams; at present, it has increased as far as 5 fanams.

(signed) *Kollatoor Wariar; Nemate Moossatha; Kadamana Mossath; Parakat Nair; Ellembellakatht Achan; Pellapedate Kristna Menon; Chakaddal Vapoo Terragan; Thirarecha Menon Hobly,* Menon of Manarkad; *Ramen Menon,* Menon of Koorawa; *Shengara Menon,* Menon of Aregaripar; *Ramen Menon,* Menon of Pandikad; *Vapoo Veshootachen,* Menon of Kollatoore.

ABSTRACT of PETITIONS presented to Mr. Græme.

	Cavay.	Cherikul.	Tellicherry.	Cartuad.	Wyuad.	Koorumbuad.	Calicut.	Sheruad.	Ernad.	Waloovanad.	Nedunganad.	Palyghaut.	Temalpoor.	Cochin.	Chooghaut.	Betutnad.	Total.
111. That the full number of Slaves and Cattle specified in the puttah given him for cultivating escheated lands, have not been made over to him.	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	–	1

Q. Q.—Explanation.

Polyatta penna, or degraded women, were a source of profit to rajahs. Outcasts not exclusively, but chiefly of the Bramin caste; they were made over to rajahs to take care of, as a compensation for their maintenance, and for the trouble of preventing their going astray again, the family of the outcast were in the habit of offering to the rajah as far as 600 fanams, or rupees 150. The rajahs then disposed of them for money, but their future condition was not exactly that of a slave; they were generally bought by the caste merchants, called chettees, by whom they had offsprings, who came to be intermarried among persons of the same caste, and in a few generations their origin was obliterated in the ramifications of new kindred into which they had been adopted.

Slaves. Amount in Malabar, according to an account taken in 1807, to 96,386.

Udoomi Purumba. In a garden given to a slave, not a chermur, or a person who can be sold, rather a vassal, under the lord's particular protection, a certain patum is taken sometimes, and sometimes more land so given can never be taken away, but remains with the vassal till his death. If he dies without heirs, it reverts to the lord paramount, a vellavrin or salt manufacturer, who had got such a piece of land at Calicut, said it was a place where he could be buried; he seemed to consider it a privilege ensured to him.

Extract, General Report of the Foujdarry Adawlut to the Governor in council of Fort St. George, for the year 1823.

* Third judge of circuit in the western division.

212.—Pargraph 64 of the Report* contains a suggestion founded upon certain instances of cruelty practised on slaves by their masters, that forfeiture of the right of property over slaves should be made the penalty for ill usage.

213.—This subject has, in former reports of the third judge, been brought under consideration; and orders were issued by the court of Foujdarry Adawlut, under date 27th November 1820, founded on a futwa of their Mahomedan law officers, directing that on all occasions of acts of this description, the perpetrators should be brought to trial.

214.—It may be remarked, that the instances of barbarous cruelty, mentioned in the present Report, occurred some years ago; and the court of Foujdarry Adawlut would hope, that no act of this nature could now be perpetrated, without bringing exemplary punishment upon the offender.

215.—The subject has already been brought under the consideration of the government, by whom some legislative provision regarding the treatment of slaves may possibly be in contemplation. It appears to the court of Foujdarry Adawlut to be desirable, that instructions should be given to the perbuttees and patails to apprehend any person guilty of an act of cruelty towards his slave; and that, when the potail may be the offender, the curman or shambogue should report the case to the tehsildar. The magistrates should also be enjoined in their circuits, to inquire particularly as to whether offences of this nature are allowed to pass without notice, and all instances of connivance at the ill treatment of slaves on the part of police officers should be severely punished. It might also be useful to cause a registry to be made of individuals who have suffered the mutilation, of which instances are given in the Report, with a view to ascertain whether similar atrocities continue to be committed. And, finally, the court have to observe, that the perpetrators of any of the cruelties instanced by the third judge, who may have committed them since the

the general regulations were put in force in the provinces of Malabar, are of course liable to punishment, notwithstanding the time which may have elapsed since their perpetration.

Extract Report from T. H. Baber, Esq. Third Judge late on Circuit in the Western Division, to the Register of the Foujdarry Adawlut, dated 22d December 1823.—(Referred to in the foregoing extract.)

59.—In the other case of "perjury and subornation of perjury," N° 27 on the calendar, there were two prisoners, the first of whom was charged with having falsely accused one Plapaddatile Kittoo of causing the death of a cherman slave, named Kurey Nayady, in the month of Chingum 996, by beating him, throwing him upon his back, and in this state, amputating his nose; and, lastly, placing an iron ring on his leg, of which ill-treatment the said cherman died on the third day afterwards. The case was originally investigated by the assistant magistrate, who considered the charge as unfounded; it appearing to him, that the deceased had died two or three years antecedent to the period in question; that at the time of his death, the wound where his nose had been amputated, had healed, and in fact, that he had died a natural death. The case was inquired into by the criminal judge, who committed the person who preferred the original complaint, and the principal witness, to take their trial before the court of circuit.

60.—The prisoners, when arraigned, pleaded the general issue, and persisted in saying, that their depositions on oath, in regard to the fact of the deceased cherman having met with his death from the ill-treatment he mentioned, was the truth. The law officer acquitted both prisoners, on the grounds that there was no doubt that the deceased's nose had been amputated, and that two other cherman slaves had been also maimed by the defendant, Plapaddatile Kittoo; and hence, he argued, there was cause to suppose, that the charge against Plapaddatile Kittoo was not a groundless one.

61. Amongst the witnesses for the prosecution, two churmurs appeared, without noses; one churman *Coonyady* said, that his nose had been amputated ten or twelve years ago, by Cannapar Mootar, because he had run away from ill-treatment; that the year before, Cherooman Oomakin's nose had been cut off; a short time after, the deceased, Koory Noryady's nose shared the same fate, and after him, Cherman Chelkar's was also amputated; that the latter person had run off, and had never since been heard of; that Koony Noryady died, as he was informed, by his chermee, five or six years ago, of the cholera. *Cherooman Oomiakin* deposed, that the deceased, Koory Noryady, had been dead six years; that he died a natural death; his complaint was fever; that one Cunhy Kristnen had amputated the deceased's nose, six years previous to his death; that his (witness) nose had been amputated thirteen years ago, by one Itteken Nair, and that the reason of his not complaining was, *that he would be only worse treated if he did.* Both these witnesses differed in their examinations before the assistant magistrate and the court of circuit, and the latter declared, that when he was sent to court to give his evidence, one Plapaddatil Kary Nair gave him and the other slaves a new moondoo each, and told them all to say, when they were asked by the sahib (judge) how Koory Noryady had come by his death, that he had died of the cholera, and if asked, who had cut off their noses, to say, the krishikaranmar (superintendent of cultivation). Three other witnesses were examined; one said, that Koory Noryady died in the year 993; that his nose had been amputated by Ittinash Nair one year previous to his death; another, that he died in 994 or 995; that seven or eight years ago, he (witness) had first known him, at which time his nose had been amputated; and the last, a cherman, that the deceased died six years ago, and that his wife told him he had died of fever; he had known him eight years; all that time he was noseless; he heard that one Ittenen Nair amputated it.

62.—Besides these gross contradictions in regard to the period of deceased's death, the cause thereof, the period when his nose was amputated, the person by whom that barbarous act was perpetrated, and, above all, the acknowledgment by one the slaves, that he and the rest had been instructed by their master as to the evidence they were to give; the evidence on the defence was greatly in favour of the prisoner's statements on oath, one of whom indeed went so far as to say, that he heard the cries of the deceased when he was undergoing the operation of cutting off his nose, and that he died shortly afterwards. I therefore concurred in the law officer's verdict, and discharged the prisoners, and would not have rested here,

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but have ordered the original prosecution to have gone on, had I seen a prospect of the authors of these barbarities being brought to condign punishment.

63.—The result of these two trials will shew, that sufficient care and circumspection are not observed by magistrates and criminal judges with regard to prosecution for false swearing, a crime, which has been just observed by court of Foujdarry Udawlut, is more easily charged than proved; for although that crime is declared to be "giving intentionally and deliberately before a court of judicature, magistrate, or other authorized public officer, a false deposition upon oath relative to some judicial proceeding, civil or criminal, and upon a point material to the issue thereof," to me it does not appear a necessary consequence, that all courts, civil or criminal, are competent and bound, *without limitation*, to commit persons whom they may consider to have been guilty of perjury before themselves. In complaints which criminal judges are empowered to hear and determine, without reference to any authority, they are undoubtedly competent and bound to proceed against and commit for trial, persons whom they may consider to have been guilty of perjury before them; because, having the whole evidence before them, both for the prosecution and the defence, they are enabled to form a correct judgment of the real merits of the case; but in cases not punishable by magistrates or criminal judges, and only cognizable by the courts of circuit, and consequently in which neither criminal, judges or magistrates, can take evidence for the defence, those officers can only have a partial, or at least, imperfect knowledge of the facts, which are as necessary to be proved as the falsehood of what had been uttered on oath; I do not mean to say, that a *primâ facie* case may not be made out before a criminal judge and magistrate; but excepting false swearers shall themselves acknowledge their guilt, such cases must be very rare, and on this account, I am of opinion, that no person ought to be committed for trial for perjury, in matters cognizable only by a court of circuit, excepting it shall appear to two or more judges of a court of circuit, forming a court at the Sudder station, that there are sufficient grounds for such a prosecution.

64.—Adverting to the facts elicited during the foregoing trial, it will no longer be denied that cruelties are practised upon the slaves of Malabar, and that our courts and cutcherries are no restraints upon their owners or employers, for whatever doubts may exist, with regard to the exact period of the death of the Cherooman Koorry Noryady, or to the immediate cause of his death, there can be none as to the fact of his nose having been amputated, as well as those of three other slaves belonging to the same owner; and that, although the case had come before the magistrate, no steps have been taken ~~to bring the perpetrators of such~~ horrid barbarities to justice. Upon the latter head it may be argued, that the slaves themselves preferred no complaint; but if it is to depend upon the slaves themselves to seek for the protection of the laws, their situation must be hopeless indeed, for having no means of subsistence, independent of their owners or employers, their repairing to and attending upon a public cutcherry, is a thing physically impossible, and even though those provisions of the regulations that require all complaints to be preferred in writing, were dispensed with in favour of slaves, and they were exempted from the payment of tolls at the numerous ferries they would have to pass, and though an allowance were made to them by government, during their detention at the cutcherries and courts, unless forfeiture of the right of property over slaves was the penalty for ill usage, their situation would only become more intolerable than it was before they complained. I never myself entertained any other opinion, than that the treatment of the slaves in Malabar, particularly in the interior, was the very reverse of a mild description, and I have no doubt, the late commissioner, Mr. Graeme, has in his report upon Malabar, confirmed all I have written upon this most interesting subject, and suggested such measures as will, if carried into effect, be the means of improving greatly their condition, and of extending to them protection, against, at least similar cruelties to those brought to light in the trial that has given rise to those observations.

Extract, General Report of the Foujdarry Adawlut, to the Governor in council of Fort St. George, for the year 1825.

245.—We had the honour to receive the following letter from the secretary to government in the judicial department, under date the 28th June last:—

Vide Appendix, N° 18, p. 437.

246.—I am directed by the Honourable the Governor in council to transmit to you, for the consideration and report of the court of Foujdarry Adawlut, the accompanying copy of a letter from the principal collector and magistrate of Tanjore, and of the statement which is referred to in it.

247.—The

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247.—The Governor in council apprehends, that there would be great danger of doing harm rather than good, by any attempt to regulate and restrict by law, as proposed by Mr. Cotton, the practice of selling children. It is obviously desirable, to avoid giving that sanction to the practice, which in the cases not prohibited, would be implied by such restriction. The evil appears to arise from the usages of the country, with respect to domestic slavery, a subject of much difficulty and delicacy, and where there is more ground to hope for improvement, from the gradual operation of the administration of police and justice, in a spirit favourable to personal freedom, than from positive enactments.

248.—The stealing of children, however, is a crime, for the suitable punishment of which, if means are wanting, provision ought certainly to be made. And the same observation applies to the transporting of children by sea to the eastward or elsewhere, for the purpose of selling them as slaves.

249.—With reference to the foregoing communication, we had the honour to receive the following letter from the secretary to government in the judicial department, under date the 22d July last.

250.—With reference to my letter of the 28th ult. N° 234, I am directed to transmit to you, for the information of the judges, the accompanying copy of a further communication from the magistrate of Tanjore, relative to the stealing and selling of children.

Vide Appendix, N° 19, p. 441.

251.—In reply to the above communications, the register of the Foujdarry Adawlut addressed the following letter to the secretary to government in the judicial department, under date the 29th July last.

252.—I am directed by the judges of the court of Foujdarry Adawlut, to acknowledge the receipt of your letters, N°s 234 and 262, dated respectively the 28th ult. and the 22d inst., transmitting copies of communications received from the magistrate of Tanjore, regarding the practice of selling and kidnapping children, of which several instances have lately been brought to his notice.

253.—The offence of stealing children, being punishable under the Mahomedan law, at the discretion of the Hakim, cases of this description fall within the scope of the provisions of clause VII, section 2, and clause III, section seven, Regulation XV, of 1803, and consequently it cannot be said, that means are wanting for its adequate punishment, under the law as it now stands.

254.—In the first case, mentioned in the statement accompanying the magistrate's letter of the 17th ult. the sentence passed by the criminal judge was not warranted by the Regulations, as was pointed out to him, when it appeared, in his quarterly report, furnished under the provisions of section 35, Regulation X, of 1816, and the opinion of the Foujdarry Adawlut, was communicated to this officer, that in these cases, the prisoners should be committed for trial before the court of circuit.

255.—For the purpose of putting a stop to the practice of transporting children by sea to the eastward or elsewhere, in order to sell them as slaves, the introduction of some new rules appears to the judges to be necessary.

256.—It may be thought desirable, that the opinion of the advocate general should be taken, as to how far the local criminal courts can be invested with power to punish this offence, they having no jurisdiction over crimes maritime.

Appendix, N° 18.

To the Secretary to Government in the Judicial Department, Fort St. George.

Entered on the Judicial Consultations of 18th June 1825. N°s 11, 12.

Sir:—The crime of kidnapping children, and the traffic that is carried on in the sale and purchase of them, appearing to me to deserve the notice of the Honourable the Governor in council, I have the honour to transmit to you a statement of a few cases that have lately occurred in this district, and beg to submit to government the expediency of adopting some measures to put a stop to them.

2.—It appears, that the persons concerned in this traffic are chiefly those connected with vessels trading to the eastern ports; and from what I have understood, of a number of these unfortunate children having been lately discovered in a house, either at Portonove or Cuddalore, the object in the purchase seems solely to be to transport them in ships sailing to the eastward, and to dispose of them there as slaves.

3.—I have now given orders for all children landed from a dhoney, or other vessel arriving at Nagore, or any of the ports in this district, to be detained till the tindall, or other person in charge, gives a satisfactory account of them; and when this is not obtainable, to send the party, with the children, to my cutcherry; and

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I have also directed, that before the port clearance is granted for any native vessel sailing to the eastward,, a deputation of public servants shall proceed on board, to examine that there are no children in her, the knowledge of which may possibly put a check to this inhuman traffic; but unless some severe penalty is made known, and authorized by the Regulations, for the offence, it will continue, I fear, in spite of every exertion used to prevent it.

4.—In the case N° 3 included in the statement, government will observe, that the two little girls there mentioned have been twice sold, just as a person would dispose of any beast or other property belonging to him; in the case of one, however, it seems that the mother first disposed of the child, which, in charity, we may suppose that she did so far for its good as to prevent its dying from starvation. In seasons there of great scarcity and distress, it would perhaps be driving parents to greater extremities, more abhorrent to human nature, was any penalty attached to the sale of children by their own parents, or to the purchase of them direct from their parents; but the traffic should, in my opinion, be most strictly prohibited from extending any further, and a person purchasing a child from its parents should on no account have the power of disposing of it to another.

5.—To what extent slavery, according to the custom of the country, is at present recognized in the courts of justice in the province, I am not aware, nor am I acquainted with, any decision yet passed on the subject; but as it seems now to be carried to a greater extent than I think is generally understood, and to be increasing, some legislative enactment appears necessary to put a check to it; and it is therefore with due deference that I conceive it my duty to submit the matter to the consideration of government.

I have the honour to be, Sir, your most obedient servant,
(signed) *J. Cotton*, Principal Collector and Magistrate.

Tanjore, Nagapatam, 17th June 1825.

STATEMENT of CASES lately come under the notice of the Magistrate at Tanjore, of CHILDREN having been Kidnapped and Sold.

N°s	Names and Country of the Parents claiming.	Names and Caste of the Children, and how disposed of.	Particulars of the Discovery made respecting the Children.	REMARKS.
1. Nov. 1824.	Mortee Ammal of Nagapatam, the mother.	A boy (name unknown), about 3 years old, of the Cowry caste; delivered over to his mother.	This child was discovered in the house of Shelaiman, a Lubbay of Nagore, who has absconded.	Shenagaumee accused of stealing the child; having confessed that she enticed it away, and sold the boy to a Lubbay man in Nagore, for two pagodas, was forwarded to the Criminal Court, and there sentenced to one year's imprisonment and labour without irons.
2. May 1825.	Meerasen Berbee of Cuddalore, the mother.	Noorsa, a Lubbay boy, about six years old, delivered over to his mother, 3rd June 1825.	This child was offered for sale by a Lubbay woman (name unknown), at the house of Acoonamercoir, of Nargaon, where objection being made to purchase, information was given to the Cutwall.	It appears that this boy having been enticed away from its parents, was brought for sale to Nagore by a Moor woman, who has absconded, and whose name is not known.
3.	Parents have not yet appeared.	Curpee, a girl, about six years old, and Curpahee, a girl of about four years of age, both of the Vellache caste.	Both these children were found in the house of Allapichee, of Nagore, who states that he purchased the first child from Chirma Colendarowten, of Aderampatam, on the 6th May 1825, as per bill of sale in his possession, for three pagodas, and the second girl he also purchased from Syed Cunnee, of Adrampatam, on the 5th May, for 32 D^{s} as per another bill of sale in his hands.	It appears by a former bill of sale for the child Curpee, that she was sold by her mother Addukee, of Manalacoodee, to Chima Colondarowten, for five ck^{s}, on the 28th October 1824, and that the other girl, Curpahee, was formerly sold, as mentioned in the bill of sale, by one Pandee, of Manamalcoodee, to Syed Curence; these two children having been twice transferred by sale from the possession of one person to another.

N. B. The above persons concerned in these transactions, have been summoned to give an account of them, and security has been taken from Allapichee, the purchaser, for his own appearance, and also to produce the children when required.

N°s	Names and Country of the Parents claiming.	Names and Caste of the Children, and how disposed of.	Particulars of the Discovery made respecting the Children.	REMARKS.
4.	Hussainbeg, the father, and Germesa, the mother, both of Madras.	Nazerbeg, a mussulman boy, about ten years old, delivered over to his parents, 4th June 1825.	This child was discovered by its parents in the house of Ahummud Abdulcadur, of Nagore, the father-in-law of Moor Mahummud, accused of kidnapping it.	This boy, it appears was enticed away from its parents at Madras, and brought to Nagore on board a dhoney, by Moor Mahummed, who has absconded.
5.	Curpahee, the mother, of Madras.	Moor Candee, a boy six years old, delivered over to his mother, 15th June 1825. *N. B.* His sister, a girl of 10 years old, was carried away at the same time, and brought to Nagore, but has not yet been discovered.	This boy was discovered by the mother in the house of Koommanachee, who acknowledges that she received the child from a man, who offered to give it to her, but did not pay any price for it; and states, she does not know his name, or who he is.	These two children appear to have been enticed away and brought from Madras to Nagore, in a dhoney, by a man named Veerabadren, who has absconded. According to the account the boy gives, his sister was sold by the same man, at another house, which has been searched in vain to discover her.

N. B. Copies of the Bills of Sale alluded to in the Remark on case N° 3, are herewith furnished.

Tanjore Nagapatam, 16th June 1825. (signed) *J. Cotton*, Pr. Col. and Magistrate,

(True copy.) (signed) J. Macleod, Sec^{y} to Gov^{t}.

Appendix, N° 19.

To the Secretary to Government in the Judicial Department, Fort St. George.

Sir:—In continuation of the subject of my letter, dated 17th ultimo, I have the honour now to transmit, for the further information of the Honourable the Governor in council, copy of a letter addressed to me by my assistant, Mr. R. Bannerman, reporting the particulars of two more cases that have been brought before him of children having been kidnapped and sold. The circumstance too which he states, of three Malabar boys having recently been sent to his office, as having been brought by Lubbaymen from Madras, and the measures he has taken regarding them, I beg likewise to bring to the notice of government. Entered on the Judicial Consultations of the 22d July 1825.

I have, &c.
(signed) *J. Cotton*, Principal Collector and Magistrate.

Tanjore, Nagapatam, 14th July 1825.

To the Magistrate of Tanjore.

Sir:—In the first of two cases I have the honour to forward, a complaint was made by a man called Palian, that his child, a girl of six years old, had been carried off from a village about seven miles distant. Eventually the prisoners, Francisco and Madalenal, were apprehended with the child in their possession. Their account of the affair is, that the child was brought to the house where they live by a man called Chinnam (since absconded), who kept it there several days, and then sold it to a Lubbay man, named Shaik Abdulcadar; that he kept the child at the house of one Pechee two or three days, and then took it to Nagore for the purpose of selling it, and that they accompanied him, to pass for its relations, each receiving a small sum of money; but the person to whom it was offered, Faquere Modeen, refused to receive it. Faquere Modeen deposes, that the child was brought to his house, and offered for sale to him, by Francisco alone, who stated that he was his uncle. Pechee swears, that the child was kept a short time at his house, and food brought to it by Shekh Abdulcadar's father. Shekh Abdulcadar denies that he bought the child, or employed others to sell it for him; he only admits that he went with the other two to point out the house of Faquere Modeen. Although the

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parties concerned in the transaction, by mutual accusation endeavour to free themselves from blame, I think there is little reason to doubt that the three, Francisco, Madolenal, and Shekh Abdulcadar, were privy to the child's having been kidnapped by Chinna, and have confederated to procure the sale of it. I am of opinion there is sufficient proof that Francisco offered the child for sale, certainly knowing it to have been stolen, and therefore propose forwarding the case to the criminal judge.

2.—In the other case, I would bring to your notice the same man, Shekh Abdulcadar, as concerned in a similar manner; having, as he allows, purchased a boy from a woman called Patumalla, of Nagore, aad sold him at an advanced price in a short time after to a person in Nagapatam. This woman being questioned as to where she got the boy, says now that he is her grandson, and that his mother died at Portnova, leaving him destitute, and that she in consequence took possession of him, and in a short time sold him. She acknowledges that the account she gave regarding him at the time of sale was very different, it being, that he was a stranger she had picked up at Madras. This variation in her story, coupled with what the little boy says of his having been enticed away, gives some reason for doubting the legality of the mode she has taken to get him into her possession. It might, perhaps, be ascertained at Portnova, whether he has parents there.

3.—As connected with this subject, I take the present opportunity to mention that three Malabar boys have within the last four days been sent to the office, having been brought from Madras, on board a native craft by Lubbay people belonging to this, as neither of the boys appear to have any relations at Madras, and seem, to avoid starvation, to have come quite voluntarily with the people who have brought them down. I have merely required security that they will neither sell or export them, and to produce them when required, which they consenting to give, they have been allowed to retain the boys.

I have, &c.
(signed) *R. A. Bannerman*, Assistant Magistrate.

Nagapatam, 14th July 1825.

Extract, Fort St. George Judicial Consultations, 9th August 1825.

Read the following letter from the Register to the Court of Foujdarry Adawlut.

N° 50.—To the Secretary to Government in the Judicial Department.

N° 6. Sir:—I am directed by the judges of the court of Foujdarry Adawlut, to acknowledge the receipt of your letters, N° 234 and 262, dated respectively the 28th ultimo, and the 22d instant, transmitting copies of communications received from the magistrate of Tanjore, regarding the practice of selling and kidnapping children, of which several instances have lately been brought to his notice.

2.—The offence of stealing children being punishable under the Mahomedan law, at the discretion of Hakim, cases of this description fall within the scope of the provisions of clause seventh, section 2, and clause third, section 7, Regulation VI, of 1803, and consequently it cannot be said, that means are wanting for its adequate punishment under the law as it now stands.

3.—In the first case, mentioned in the statement accompanying the magistrate's letter of the 17th ultimo, the sentence passed by the criminal judge was not warranted by the Regulations, as was pointed out to him when it appeared in his quarterly report, furnished under the provisions of section 35, Regulation X, of 1816, and the opinion of the Foujdarry Adawlut was communicated to this officer, that in these cases the prisoners should be committed for trial before the court of circuit.

4.—For the purpose of putting a stop to the practice of transporting children by sea to the eastward, or elsewhere, in order to sell them as slaves, the introduction of some new rules appears to the judges to be necessary.

5.—It may be thought desirable, that the opinion of the advocate general should be taken, as to how far the local criminal courts can be invested with power to punish this offence, they having no jurisdiction over crimes maritime.

I have, &c.
(signed) *W. Hudleston*, Register.

Foujdarry Adawlut Register's Office, 29th July 1825.

Ordered, in consequence, that the following letters be dispatched:—

N° 302.—To the Principal Collector and Magistrate of Tanjore.

N° 7.

Sir:—I am directed by the Honourable the Governor in council to acknowledge the receipt of your letters of the 17th June and the 14th ultimo, and to transmit for your information the accompanying copy of a letter, which on the receipt of the former was addressed to the Foujdarry Adawlut, and of the reply which has been made by that court, with both of your communications before them.

2.—It is the opinion, you will perceive, of the Foujdarry Adawlut that the offence of stealing children is subject, by the Mahomedan law, to discretionary punishment, and that persons charged with the commission of it ought to be brought to trial before the court of circuit.

3.—The question, whether any rules can be enacted by government, which have the effect of checking the practice of transporting children by sea to the eastward, or elsewhere, in order to sell them as slaves, will receive further consideration.

I have, &c.

(signed) *J. M. Macleod*, Secretary to Government.

Fort St. George, 9th August 1825.

N° 295.—To the Advocate General.

N° 8.

Sir:—It having been brought to the notice of the Honourable the Governor in council that children are not unfrequently transported by sea from provinces subject to this government, to the eastward, or elsewhere, for the purposes of being sold as slaves, I am, in consequence, directed to request that you will state, whether in your opinion the government is competent to invest the local criminal courts with power to punish that offence; and that if you think that government is not, you will suggest any measures which may appear to you proper to be adopted, with the view of putting a stop to the practice.

I have, &c.

(signed) *J. M. Macleod*, Secretary to Government.

Fort St. George, 9th August 1825.

Extract, Fort St. George Judicial Consultations, 2d September 1825.

Read the following letter from the advocate general:—

To the Chief Secretary to Government, &c. &c. &c.

N° 5.

Sir:—In compliance with the request contained in the letter of Mr. Secretary Macleod, dated the 9th instant, I have the honour to state, for the information of the Honourable the Governor in council, that as the 51st Geo. 3, c. 23, has prescribed the jurisdictions by which the offence of carrying away persons from the Honourable Company's territories, to be sold as slaves, shall be punished, I am of opinion, that it is not competent for the government to invest the local criminal courts with power to punish that offence.

2.—According to the best judgment that I can form, the offence, although committed on land, and even by persons who are not inhabitants of Madras, may be tried in the supreme court of judicature; but if the same be committed at either of the ports within the admiral's jurisdiction, I consider it to be cognizable in either of the courts of admiralty, established at the respective presidencies.

3. I therefore recommend, that if any person shall be detected in transporting persons for the purpose of being sold as slaves, he shall be sent for trial before the supreme court; and should that jurisdiction be found ineffectual, it may then be proper to apply to the legislature, to provide a more convenient mode of punishing the offence.

I have, &c.

(signed) *Herbert Compton*, Advocate General.

Madras, 26th August 1825.

Ordered, in consequence, That the following letter be dispatched:—

N° 343.—To the Register to the Court of Foujdarry Adawlut.

N° 6.

Sir:—I am directed by the Honourable the Governor in council, to transmit to you, for the information of the court of Foujdarry Adawlut, the accompanying copy of the advocate general's reply to a reference, which, agreeably to the suggestion

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offered in the concluding paragraph of your letter, dated the 29th July, N° 50, was made to him respecting the means of checking the practice of transporting children from the territory subject to this government, for the purpose of selling them as slaves.

2.—The Foujdarry Adawlut are requested to issue the necessary directions, in order that the course recommended by Mr. Compton may be followed.

I have, &c.

(signed) *J. M. Macleod*, Secretary to Government.

Fort St. George, 2d Sept. 1825.

Extract, Fort St. George Judicial Consultations, 13th January 1826.

Read the following letter from the deputy register to the court of Foujdarry Adawlut:—

N° 1.—To the Secretary to Government in the Judicial Department.

N° 3.

Sir:—I am directed to forward, for the purpose of being laid before the Honourable the Governor in council, the accompanying copy of a communication from the judges of the provincial court in the southern division, submitting for the consideration of the judges of the court of Foujdarry Adawlut, a reference from the magistrate in the zillah of Tinnevelly, regarding the practice of the sale and purchase of female children by dancing women.

2.—Referring to your letter of the 28th June last, the judges direct me to request the orders of the Honourable the Governor in council, whether an enactment should be framed, declaratory of the illegality of this practice; the judges are of opinion, that such an enactment is not required; but that it will be sufficient, as the judges of the provincial court have observed, if each magistrate within whose jurisdiction this offence may be prevalent, issue a notification, declaring the liability of all persons to punishment, who may be guilty of selling or purchasing children for the avowed purpose of prostitution.

I have, &c.

(signed) *I. F. Thomas*, Deputy Register.

Foujdaree Adawlut Register's Office, 3d Jan. 1826.

To the Register to the Foujdaree Adawlut, Fort St. George.

Sir:—We have the honour to submit copy of a reference which has been made by the collector of Tinnevelly, on the subject of the sale of children to dancing girls, for the purpose of bringing them up as prostitutes.

There does not appear to us to be any occasion for the interference of government, or for any special authority to be given to the magistracy, to prevent the sale of children to persons described in the collector's letter. The sale of a child, excepting under very particular circumstances, is punishable under the Mahomedan law; and if the magistrate is of opinion, that the people are not aware of the fact, he has full authority in virtue of his office, to issue a notification, declaring that the crime of child-selling is punishable by law.

We have, &c.

(signed) *W. Oliver*, First Judge,
C. M. Lushington, Second Judge,
John Bird, Third Judge.

Register's Office, Trichinopoly,
20th December 1825.

To the Register to the Provincial Court of Circuit, Southern Division.

Sir:—In reference to the subject of the court's letter of the 1st October last, I beg to bring officially to notice, a custom which is, I believe, more or less prevalent throughout the Madras territories, and as far as my own observation has gone, is more frequent in the district of Tinnevelly. The practice I allude to, is the sale and purchase of female children by dancing women, for the avowed purpose of bringing them up to a life immorality. The custom is so notorious, and its abominable tendency so evident, that no comment can be necessary; but I am apprehensive, that unless it be specially excepted from those purchases of children which are now (under some circumstances) legal, an opinion may be entertained, that such dealings are countenanced by law. A prohibition of such transactions could not be complained of as an infringement of any acknowledged rights; it would

would serve as a check upon child-stealing, which is occasionally practised under the pretence of purchase, and the public expression of the will of the government could not but have beneficial tendency to promote morality. I offer these remarks, in the hope, that if they are submitted to government, the practice which I have mentioned, may be prohibited by law.

I have, &c.

Tinnevelly, 5th Dec. 1825. (signed) *J. Monro*, Collector.

Received this 10th December 1825.

(signed) *R. Rogers*, Register.

Ordered, that the following reply be dispatched:—

N° 17.—To the Register to the Court of Foujdarry Adawlut.

Sir:—I am directed by the Honourable the Governor in council to acknowledge the receipt of your letter of the 3d instant, N° 1, and its enclosures, relative to the practice of selling female children to dancing women. N° 4.

2.—It is understood from your letter, that, in the opinion of the judges of the Foujdaree Adawlut, no new enactment is required upon this subject, because the selling or purchasing of children, for the avowed purpose of prostitution, may be punished under the law as it at present stands.

3.—The Governor in council entirely concurs with the judges in deeming any enactment unnecessary; and is further of opinion, adverting to the nature of the institution of dancing women, and to its connection with the ceremonies and observances, both religious and civil, of the great bulk of the people, that if it is at all expedient for the officers of government to interfere, for the purpose of preventing parents or guardians from assigning children in the customary modes, to be brought up to this profession, the interference requires to be conducted with the greatest caution. The remarks in my letter of the 28th June, to which reference is made by the Foujdaree Adawlut, relate to the practice of selling children to be made slaves, and generally to the usages of the country with respect to slavery; and it was observed, that that subject was one of much difficulty and delicacy. The subject now under consideration is of no less delicacy, and it seems to afford less inducement to interfere; for it is to be considered, that loss of personal freedom is not among the consequences of being brought up to be a dancing woman, and that the species of immorality which the interference would propose to redress, prevails, and is generally tolerated, in the most enlightened and most highly civilized nations of Europe, and it is much more closely connected with general depravity, and with misery in England, than it is in India.

I have, &c.

(signed) *J. M. Macleod*, Secretary to Government.

Fort St. George, 13th January 1826.

Extract, Fort St. George Judicial Proceedings, 24th February 1826.

Read the following letter:—

N° 67.—To the Secretary to Government in the Judicial Department.

Sir:—I am directed by the judges of the Foujdaree Adawlut to transmit to you, for the purpose of being laid before the Honourable the Governor in council, the accompanying extract from the court's proceedings of this date, together with the papers therein referred to. N° 4.

I have, &c.

(signed) *W. Hudleston*, Register.

Foujdaree Adawlut Register's Office, 18th Nov. 1825.

Extract, from the Proceedings of the Foujdaree Adawlut, under date the 18th November 1825.

Read letter dated 24th ultimo from the second judge, late on circuit in the Western Division, submitting the report prescribed by section 37, Regulation VII, of 1802.

In the 31st paragraph of the report of the second judge, makes mention of two cases tried in Canara, wherein the accused were charged with causing the death of their slaves by severe chastisement, which he states, induced him to make inquiry (Extract.)

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at Mangalore, regarding the prevailing custom in instances where the slave of one master marries the slave of another; and particularly, whether their respective owners can prevent them from living together. The second judge remarks, that the frequent absence from his "master's work, which occasioned the deceased's chastisement in one of the above cases, was owing to visits to his wife, who resided at a distance on her master's estate, who would not allow her to live with her husband," he was told, that it is usual for the female slave to reside with her husband, and if his residence be at such a distance as to prevent her from coming to work daily at her master's house, the master of the husband must indemnify her owner by the payment annually of half a moorah of rice; but if the master should employ the female at his own house, he must employ also her husband, whose owner he must indemnify by the payment annually of one moorah of rice.

4.—In the 32d paragraph the second judge offers his opinion, that the magistrate should correctly inform himself on this point, and be required under the authority of government, after due notice given, to enforce the obligation on the part of the owners, to allow their married slaves to live together.

5.—The court of Foujdaree Adawlut are of opinion, that the interference here proposed to be exercised by the magistrate could not be put in practice without the enactment of a Regulation for the purpose; and they are not prepared to suggest provisions with this view which would be free from objections; should however the Honourable the Governor in council deem it fit to give effect to the humane recommendation of the second judge, it may be in the power of the provincial court, in communication with the magistrates in the provinces of Malabar and Canara, to devise a mode of preventing the separation of married slaves, without any violation of rights, which the established usages in this respect confer.

In the 33d paragraph of the Report, the second judge adverts to the opinion of the advocate general, whereof a copy was transmitted by the government to the court of Foujdaree Adawlut, under date 2d September last, respecting the means of checking the practice of transporting children from the territory subject to this government, for the purpose of selling them as slaves.

7.—In citing this opinion, the second judge has not used the words of the advocate general, but the court of Foujdaree Adawlut do not know, that he has given to them a meaning which was not intended, in speaking of the offences of transporting persons for the purpose of being sold as slaves, the advocate general may be taken to include the exportation of slaves, which is prohibited by clause 14, section 18. Regulation II, of 1812, under the penalty of a fine of 250 rupees for each offence, and if so, the recision of that clause would appear to be required, as is pointed out by the second judge.

Calendar of Trials.—First Sessions, 1825. (Extract.)

31.—But few matters of any interest or importance, deserving of notice, passed under my observation during the late circuit. The two cases tried in Canara, wherein the accused were charged with causing the death of their slaves by severe chastisement, and which, as above stated, were referred for the decision of the court of Foujdaree Adawlut, induced me to make inquiry at Mangalore, regarding the prevailing custom in instances where the slave of one master marries the slave of another, and particularly whether their respective owners can prevent them from living together. The frequent absence from his master's work, which occasioned the deceased's chastisement, in one of the above cases, was owing to visits to his wife, who resided at a distance on her master's estate, who would not allow her to live with her husband. I am told it is usual for the female slave to reside with her husband, and if his residence be at such a distance as to prevent her from coming to work daily at her master's house, the master of the husband must indemnify her owner by the payment annually of half a moorah of rice; but if her master should employ the female at his own house, he must employ also her husband, whose owner he must indemnify by the payment annually of one moorah of rice.

32.—It would, I think, be desirable that the magistrate should correctly inform himself on this point, and be required, under the authority of government, after due notice given, to enforce the obligation on the owners to allow their married slaves to live together.

33.—This subject induces me to advert to the opinion of the advocate general, at Madras, which was recently circulated for the guidance of the court, wherein he has stated, that all infringements of the Act of Parliament, prohibiting British subjects, native or European, from exporting or transporting slaves, whether occurring

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in India, or in any part of the British territories subject to their governments respectively, can be cognizable only by the supreme court, and the Company's courts have no jurisdiction in in such cases. The operation of this opinion will render necessary the recision of clause 14, section 18, Regulation II, of 1812, which prescribes a specific penalty for this offence.

Ordered, That the following reply be dispatched :—

(N° 87.)—To the Register to the Court of Foujdaree Adawlut.—(Extract.)

N° 5.

3.—The subject treated in the Foujdaree Adawlut's proceedings, paragraphs 3 to 5, and in the second judge's report, paragraphs 31 and 32, is one of much importance. If a politic and just regard to the customs and usages of the country makes it necessary to permit or tolerate slavery, it is unquestionably at least incumbent on the ruling power, to take care that the slave receives the full benefit of such safeguard, as those very customs and usages have provided against the oppression and cruelty of the master. The Governor in council does not perceive on what grounds the enactment of a new regulation can be considered necessary for this purpose. As the rights of the master over the slave rest on the same foundation with the limits assigned to them, it seems unreasonable to suppose, that the courts and magistrates are bound to respect the one, and yet without power to enforce the observance of the other. If therefore, as understood by the circuit judge, the usage of the country imposes on the owners the obligation to allow their married slaves to live together, the Governor in council sees no reason against adopting his suggestion, that the magistrate should be required to enforce that obligation. When the owner, in the exercise of his power, passes beyond the bounds which have been set to his rights, the relation subsisting between him and the slave becomes entitled to protection, as if he were a free man. It is, however, evidently indispensable that the existence of the obligation on the part of the owners be in the first place ascertained beyond a doubt; this should be done with as little delay as possible. In the present state of information on the subject, the Governor in council thinks that the most advisable course of proceeding is to refer it, as suggested by the Foujdaree Adawlut, to the provincial court, to be considered by them in communication with the magistrates of Malabar and Canara.

4.—A reference will be made to the advocate general on the question, as to whether the Act, 51 Geo. 3, c. 20, nullifies the provision of clause 14, section 18, Regulation II, of 1812.

5.—The construction given by the Foujdaree Adawlut, in their proceedings of the 14th November last, to clause 2d, section 3, Regulation VI, of 1822, appears to the Governor in council to be correct.

Ordered also, That the following letter be dispatched :—

(N° 85.)—To the Advocate General.

N° 6.

Sir :—With reference to your letter of the 26th August last, I am directed by the Honourable the Governor in council, to request that you will state, whether in your opinion, the 51 Geo. 3, cap. 23, nullifies the provision of clause 14, section 18, Regulation II, of 1812, of which clause I subjoin a copy.

Fourteenth.—The exportation of slaves from Malabar, is hereby strictly prohibited. Persons by whom this rule may be infringed shall be liable to a fine of 250 rupees for each offence, and the parties concerned therein shall not be allowed to carry on any trade whatever, nor shall the ship or vessel to which the offender may belong, obtain a port clearance until the fine be paid.

I am, &c.

(signed) *J. M. Macleod*, Sec^{y} to Government.

Fort St. George, 24th Feb. 1826.

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